

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28586-2015

Date of Decision: February 05, 2016

Kirpal Singh @ Noori and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Munish Gulati, Advocate,
for the petitioners.

Mr.Gurveer Sidhu, AAG, Punjab
for respondent No.1.

Mr.A.S.Khinda, Advocate
for respondent Nos.2 and 3.

.....

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J. (Oral)

The present petition under Section 482, Cr.P.C., has been filed by the petitioners, for quashing of DDR No.30, dated 24.05.2015, (Annexure P-1) for the offences punishable under Sections 148, 323, 324, 427 and 506 read with Section 149, IPC, in FIR No.103, dated 23.05.2015 (Annexure P-2), for the offences punishable under Sections 148, 323, 324, 325, 326, 452 and 506

read with Section 149, IPC, registered at Police Station, Kotwali, District Kapurthala, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Vide order dated 03.09.2015, the affected parties were directed to appear before learned Chief Judicial Magistrate, Kapurthala, for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send a detailed report in that regard alongwith copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned Chief Judicial Magistrate, Kapurthala, and got recorded their respective statements with regard to the compromise.

Informant-Respondent No.2-Sukhwinder Singh @ Sukha, and respondent No.3- Kuldeep Singh suffered the following common statement:-

“Stated that, we the complainant/aggrieved party of the present case. We have effected compromise with accused/petitioners Kirpal Singh @ Noori son of Gurnam Singh son of Hansa Singh, aged about 30 years, Tailor, Manjit Kaur wife of Kirpal Singh @ Noori son of Gurnam Singh, aged about 24 years, Housewife, Bhajan Kaur wife of Gurnam Singh son of Hansa Singh, aged about 60 years, Housewife, Kulwinder Singh @

Kinder son of Gurnam Singh son of Hansa Singh, aged about 22 years, Messon, Jeeta @ Ranjit Singh son of Gurnam Singh son of Hansa Singh, aged about 19 years, Carpenter, Bawa Singh @ Sukhjinder Singh son of Gurnam Singh son of Hansa Singh, aged about 20 years, Shocker Repair Bhajan Singh @ Pamma son of Mukhtiar Singh son of Natha Singh, aged about 33 years, Messon, All residents of village Boot, Tehsil and District Kapurthala, voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives to keep harmony amongst the parties. We do not want to pursue this case further. We have no objection if the quashing petition filed under Section 482, Cr.P.C. being 116 CRM-M-28586 of 2015 pending before the Hon'ble Punjab & Haryana High Court, Chandigarh is allowed."

The petitioners also suffered the common statement admitting the factum of the compromise. The operative part of the report received from learned Court below is as under:-

"Above said petitioners/ accused with their counsel Pardeep Kumar, Advocate, also suffered a statement that they are allegedly nominated accused in the above noted case registered at the instance of Sukhwinder Singh @ Sukha S/o Virsa Singh S/o Phuman Singh R/o village Daulewal, Tehsil and District Moga and Kuldeep Singh S/o Fauja Singh S/o Mukhiya Singh R/o village Boot, Tehsil and District Kapurthala.

They have compromised the matter with the above said complainants voluntarily without any pressure, threat or coercion through the respectables of the locality, to keep harmony amongst the parties. So in this way none of the above said persons have disputed the factum of compromise having been effected between the complainant party and the accused and it seems to be resolved amicably, is genuine and without any threat, coercion or pressure.....”

Learned counsel for the petitioners urged that both the private parties belong to same area and related to each other. He further submitted that due to misunderstanding, the occurrence had taken place and now due to intervention of the respectable and elderly people of the society, the matter has been resolved and the private parties have effected a compromise (Annexure P-3). At present, there remains no dispute amongst the private parties. He further submits that in view of the compromise so effected between the private parties, pendency of the impugned DDR and consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contention, learned counsel has placed reliance on the judgment of Hon'ble the Supreme Court delivered in the case of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), and judgment of

a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052.

Learned counsel for the State after taking instructions from ASI Gurdev Singh, Police Station, Kotwali, District Kapurthala, and going through the statements and the report received from learned Chief Judicial Magistrate, very fairly admits that the private parties have resolved their dispute and effected a compromise. He further submits that he has no objection if the impugned DDR and all the consequential proceedings are quashed on the basis of the compromise.

After hearing learned counsel for the parties and going through the material available on record, this Court also finds that there appears to be substance in the submission of learned counsel for the petitioners that pendency of the present criminal litigation would be abuse of process of law since the chances of conviction of the petitioners are bleak in view of the compromise so effected between the private parties.

The report alongwith statements of the affected parties received from learned Court below would reveal that informant-respondent No. 2 and respondent No.3 have genuinely effected a compromise with the petitioners and they

have no objection if the impugned DDR and consequential proceedings are quashed.

Keeping in view totality of the facts and circumstances of the case and taking into consideration the ratio of the judgments in the cases of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and DDR No.30, dated 24.05.2015 (Annexure P-1), for the offences punishable under Sections 148, 323, 324, 427 and 506 read with Section 149, IPC, in FIR No.103, dated 23.05.2015 (Annexure P-2), for the offences punishable under Sections 148, 323, 324, 325, 326, 452 and 506 read with Section 149, IPC, registered at Police Station, Kotwali, District Kapurthala and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 05, 2016
meenu