

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29461-2015

Date of Decision: February 1, 2016

Chet Ram and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. V.P.S. Mithewal, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent No . 1.

Mr. Bhaskar Sharma, Advocate,
for Mr. Vikram Satpal, Advocate,
for respondent No. 2.

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 Chet Ram and Mangu @ Om Parkash, for quashing of FIR No. 35, dated 26.3.2012 (Annexure P-1), for the offences punishable under Sections 148, 323, 324, 326, 341 and 506 read with Section 149, IPC, registered at Police Station, Machhiwara, Police District Khanna, District Ludhiana, and all the

consequential proceedings arising therefrom, on the basis of compromise, dated 27.7.2015 (Annexure P-4).

Vide order dated 3.9.2015, the affected parties were directed to appear before the learned Trial Court, 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 Judicial Magistrate First Class, Samrala, District Ludhiana, and got recorded their respective statements with regard to the compromise.

It is apposite to mention here that during pendency of the trial, the informant/injured, Kuldeep Singh, had since died and, as such, his father, Prem Singh, who was the only legal representative of Kuldeep Singh, was impleaded as respondent No. 2 in the present petition. He did appear before learned Court below and suffered the following statement:-

“ That one FIR No. 35 of 26.03.2012 under Sections 323, 324, 326, 341, 506, 148, 149 of the Indian Penal Code, P.S. Machhiwara was lodged by my son Kuldeep Singh (since deceased) against Chet Ram son of Ram

Parshad and Mangu @ Om Parkash son of Chet Ram, both residents of Village Sukhewal, Tehsil Samrala, District Ludhiana. Now, my son Kuldeep Singh has died on 24.03.2015 (copy of death certificate attached) and I have voluntarily entered into compromise with the above said accused persons out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise. I have no objection if the above said FIR is quashed by the Hon'ble High Court against said accused persons. The photocopy of my Aadhar Card is Mark-A and the photocopy of death certificate of Kuldeep Singh is Mark-B."

Both the petitioners have also suffered their joint statement admitting the factum of the compromise.

The operative part of the report received from learned Court below is as under:-

" From the statements of the parties so recorded in the court on oath, I am satisfied that a valid and genuine compromise has been effected between the parties. The aforesaid compromise appears to be genuine one and also appears to be entered into voluntarily with free will of the parties without any coercion or undue influence or pressure of any kind."

Learned counsel for the petitioners submits that the impugned FIR was lodged on the statement made by the injured,

Kuldeep Singh, against the petitioners and their co-accused, namely, Hari Shankar, Rambir and Somvir. During pendency of the trial, the informant/injured, Kuldeep Singh, had since died and, as such, his father, Prem Singh, who was only legal representative of Kuldeep Singh, was impleaded as respondent No. 2 in the present petition. He further submits that the impugned FIR qua co-accused of the petitioners has already been quashed by a co-ordinate Bench of this Court, vide order dated 10.2.2015 (Annexure P-3), passed in CRM-M-28900-2014. He further submits that due to intervention of the respectable and elderly people of the society, the matter has been resolved between respondent No. 2 and the petitioners and they have effected a compromise (Annexure P-4). 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 FIR 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 on instructions from ASI Amarjit Singh of Police Station, Machhiwara, Police District Khanna, District Ludhiana, has very fairly admitted that the impugned FIR qua co-accused of the petitioners, has already been quashed; after going through the statements and the report received from learned Court below, he very fairly admits that the private parties have resolved their dispute and effected a compromise; and that he has no objection if the impugned FIR and all the consequential proceedings are quashed on the basis of the compromise.

Learned proxy counsel for respondent No. 2 submits that he has instructions to state at the bar that both the factions have resolved their dispute and effected the compromise. He further submits that respondent No. 2 did appear before learned Court below and suffered his statement and has no objection if the impugned FIR 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 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 respondent No. 2 has genuinely effected a compromise with the petitioners and he has no objection if the impugned FIR 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 FIR No. 35, dated 26.3.2012 (Annexure P-1), for the offences punishable under Sections 148, 323, 324, 326, 341 and 506 read with Section 149, IPC, registered at Police Station, Machhiwara, Police District Khanna, District Ludhiana, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 1, 2016
P Kapoor