

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-30147-2015

Date of Decision: January 29, 2016

Amritpal Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI**

Present: Mr. B.S. Aulakh, Advocate,  
for the petitioners.

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

None 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 Amritpal Singh, Sukhjinder Singh @ Raju, Iqbal Singh @ Jaswinder Singh and Harnek Singh @ Gaadi, for quashing of FIR No. 54, dated 14.7.2015 (Annexure P-1), for the

offences punishable under Sections 323, 341 and 382 read with Section 34, IPC, registered at Police Station, Sadar, Malout, District Sri Muktsar Sahib, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 7.7.2015, the affected parties were directed to appear before the learned Chief Judicial Magistrate, Sri Muktsar Sahib, 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 Court below and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/injured, Raja Singh, suffered the following statement:-

*“ That above said FIR was registered against Amritpal Singh and others on my statement. The matter has been compromised without any pressure, coercion and undue influence with the intervention of respectable of the society. I have no objection if the above said FIR be quashed in view of the compromise.”*

All the four petitioners also suffered their respective

statements admitting the factum of the compromise.

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

*“ .....They have amicably settled the matter. From the statements made by the parties, it is inferred that compromise has been effected between complainant Raja Singh and accused Amritpal Singh, Sukhjinder Singh, Iqbal Singh and Harnek Singh. The statements made before the court appears to be made voluntarily and without any pressure.”*

Learned counsel for the petitioners urged that on account of a dispute over the turn of irrigating the fields between both the private parties, the quarrel had originated and impugned FIR was registered. He further submits that 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-2). 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 HC Jagdish Kumar of Police Station, Sadar, Malout, District Sri Muktsar Sahib, and after going through the statements and the report received from learned Court below, 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 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/informant/injured 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. 54, dated 14.7.2015 (Annexure P-1), for the offences punishable under Sections 323, 341 and 382 read with Section 34, IPC, registered at Police Station, Sadar, Malout, District Sri Muktsar Sahib, and all the consequential proceedings arising therefrom are hereby quashed.

**(NARESH KUMAR SANGHI)**  
**JUDGE**

**January 29, 2016**  
Pkapoor