

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3060-2015

Date of Decision: March 1, 2016

Manminder Singh @ Bucha and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vishal Gupta, Advocate,
for the petitioners.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

Mr. Atul Gaur, 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 twelve petitioners, namely, Manminder Singh @ Bucha, Lakhwinder Singh @ Lucky, Pritam Singh, Sucha Singh, Jatinder Singh @ Reeta, Jaspal Singh @ Pali, Lakhvinder Singh @ Lakhi, Kuldeep Singh @ Deepu, Sukhwinder Singh @ Happy, Dilbag Singh @ Goldy, Tarlok Singh @ Laddu and Satnam Singh @

Satta, for quashing of FIR No. 41, dated 13.4.2011 (Annexure P-1), for the offences punishable under Sections 148, 323 and 452 read with Section 149, IPC, registered at Police Station, Amloh, District Fatehgarh Sahib, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 9.6.2014 (Annexure P-2).

Vide order dated 1.9.2015, the affected parties were directed to appear before the learned Trial Court/Area Judicial Magistrate 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 to this Court.

In compliance thereof, both the private factions did appear before learned Judicial Magistrate First Class, Amloh, and got recorded their respective statements with regard to the compromise. Petitioner Nos. 2, 4, 6, 8 and 9 got recorded their respective statements on 17.10.2015, petitioner Nos. 1, 3, 5, 7, 10, 11 and 12 and respondent No. 2/informant, Shamshad Ali, got recorded their respective statements on 31.10.2015, while respondent No. 3/injured, Suraj Ali, got recorded his statement on 28.1.2016. The report from learned Court below alongwith the statements of the affected parties, has been received.

Respondent No. 2/informant, Shamshad Ali, suffered the following statement:-

“ With the intervention of respectable persons, I entered into compromise with accused Manminder Singh @ Bucha son of Jaspal Singh, Lakhwinder Singh @ Lucky s/o Ishar Singh, Pritam Singh s/o Sh. Balbir Singh, Sucha Singh s/o Karnail Singh, Jatinder Singh @ Reeta s/o Saun Singh, Jaspal Singh @ Pali s/o Sardara Singh, Lakhvinder Singh @ Lakhi son of Bhupinder Singh, Kuldeep Singh @ Deepu son of Surjit Singh, Sukhwinder Singh @ Happy s/o Bhupinder Singh, Dilbagh Singh @ Goldy son of Gurmeet Singh, Tarlok Singh @ Laddu son of Rajwant Singh, Satnam Singh @ satta son of Nishan Singh, all resident of village Aladadpura, Police Station Amloh, Tehsil Amloh, District Fatehgarh Sahib and this compromise has been effected without undue influence. Compromise is not the result of any pressure or coercion in any manner. Present FIR may kindly be quashed.”

Respondent No. 3/injured, Suraj Ali and all the petitioners also suffered similar statements admitting the factum of the compromise.

After recording the statements of the affected parties, learned Court below has reported that the present FIR was registered against twelve accused (petitioners named above); no accused was a proclaimed offender; and that the compromise between the parties has been effected voluntarily and without any pressure or coercion in any manner.

Learned counsel for the petitioners submits that on

account of payment of remaining consideration of the sale of a truck, which was sold by respondent No. 2/informant in favour of petitioner No. 1, Manminder Singh @ Bucha, the quarrel had originated and the present criminal litigation had arisen between the private parties. He further submits that due to intervention of respectable and elderly people of the society, the dispute has been resolved. At present, there remains no ill-will amongst the private parties. He further submits that the offences alleged to have been committed by the petitioners were personal in nature and 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 judgments of Hon'ble the Supreme Court delivered in the cases of **Madan Mohan Abbot v. State of Punjab**, (2008) 4 SCC 582 and **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 Hamir Singh of Police Station, Amloh, District Fatehgarh 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 fairly admits that the allegations levelled in the FIR would disclose that the offences alleged to have been committed by the petitioners were personal in nature. 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.

Learned counsel for respondent Nos. 2 and 3 also submits that he has instructions to state at the bar that his clients have 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 the allegations levelled by respondent No. 2/informant were with regard to money transaction. Both the private parties have resolved their dispute and effected a compromise and, as such, there remains no dispute between them.

There is 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.

In the matter of **Madan Mohan Abbot (supra)**, Hon'ble

the Supreme Court has held as under:-

"We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law."

In the matters of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

The report alongwith statements of the affected parties received from learned Court below would reveal that respondent Nos. 2 and 3 have genuinely effected a compromise with the petitioners and they have 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 **Madan Mohan Abbot (supra)**, **Gian Singh (supra)**

and **Kulwinder Singh (supra)**, the present petition is accepted and FIR No. 41, dated 13.4.2011 (Annexure P-1), for the offences punishable under Sections 148, 323 and 452 read with Section 149, IPC, registered at Police Station, Amloh, District Fatehgarh Sahib, and all the consequential proceedings arising therefrom are hereby quashed.

March 1, 2016
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE