

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31175-2014

Date of Decision: January 25, 2016

Surinder Kumar @ Laddi and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Rajesh K. Dadwal, Advocate,
for the petitioners.

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

Mr. N.S. Dadwal, 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 Surinder Kumar @ Laddi, Tajinder Kumar @ Baba and Sandeep Pal, for quashing of FIR No. 75, dated 10.7.2010 (Annexure P-1), for the offences punishable under Sections 324 and 326 read with Section 34, IPC, registered at Police Station, Bullowal, District Hoshiarpur, and all the consequential

proceedings arising therefrom, on the basis of compromise dated 26.5.2014 (Annexure P-2).

Vide order dated 10.9.2014, 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, Hoshiarpur, and got recorded their respective statements with regard to the compromise.

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

“ The present FIR No. 75 dated 10.7.2010 was lodged against the accused Tejinder Kumar @ Baba son of Resham Lal, Surinder Kumar @ Laddi son of Resham Lal and Sandeep Pal @ Sodhi son of Rajinder Pal, at my statement. In the present case, a compromise has been arrived among us with the intervention of respectable and relatives of the parties. The accused persons have tendered unconditional apology, so in view of the compromise, I have voluntarily reconciled the matter with all these accused persons without any

pressure, threat and coercion from any side. I do not want to pursue the present case. I do not have any objection if the petition filed by the accused for quashing of the case is accepted and the present case FIR and all proceedings are quashed..”

The 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:-

“From the statement of all the parties, the Court is of the considered opinion that the parties have entered into a genuine compromise voluntarily qua the case FIR and the statement of all the parties have been recorded voluntarily to this effect.”

Learned counsel for the petitioners urged 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 Sukhdev Singh of Police Station, Bullowal, District Hoshiarpur, 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.

Learned counsel for respondent No. 2/informant/injured, also admits that factum of the compromise 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/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. 75, dated 10.7.2010 (Annexure P-1), for the offences punishable under Sections 324 and 326 read with Section 34, IPC, registered at Police Station, Bullowal, District Hoshiarpur, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

January 25, 2016
Pkapoor