

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32424-2014

Date of Decision: January 25, 2016

Love Adya

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Prashant Vashisth, Advocate,
for the petitioner.

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 Love Adya son of Ravinder Adya, for quashing of FIR No. 316, dated 4.12.2013 (Annexure P-1), for the offences punishable under Sections 323, 324, 379 and 451 read with Section 34, IPC, registered at Police Station, Jodhewal, Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise dated 15.7.2014 (Annexure P-2).

Vide order dated 30.4.2015, 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, the affected parties did appear before learned Judicial Magistrate First Class, Ludhiana, and got recorded their respective statements with regard to the compromise.

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

“ Stated that I had got recorded FIR No. 316 dated 04.12.2013, under section 451, 324, 323, 379, 34 of IPC, PS Basti Jodewal, Ludhiana. I have entered into compromise with the accused person. So, keeping in view the good and cordial relations for future, I do not want to pursue with the prosecution of this case and I have no objection if the present case is quashed by the Hon’ble Punjab and Haryana High Court, where the petition under section 482 has already been filed and which is pending for 24.08.2015. The original compromise bears my signatures and same is correct. My compromise with the accused person is voluntary and without any pressure.”

The petitioner also suffered the statement admitting the factum of the compromise.

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

“ After going through the statements of parties so recorded, I am of the considered view that the compromise between the parties is genuine, voluntary and without any threat, coercion or pressure.

It is further submitted that the present case is at the stage of recording evidence of the Prosecution. As per the report submitted by the concerned Police Station, no other criminal case or P.O. proceeding is pending against accused. There is only one accused in the captioned case i.e. the petitioner/accused Luv Aadia and he has sought the quashing of FIR.”

Learned counsel for the petitioner 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 ASI Kulwinder Singh of Police Station, Jodhewal, Ludhiana, 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 petitioner 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 petitioner 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. 316, dated 4.12.2013 (Annexure P-1), for the offences punishable under Sections 323, 324, 379 and 451 read with Section 34, IPC, registered at Police Station, Jodhewal, Ludhiana, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

January 25, 2016
Pkapoor