

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-33311-2015

Date of Decision: February 1, 2016

Bhushan Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sherry K. Singla, Advocate,
for the petitioner.

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

None 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 Bhushan Kumar, son of Amritpal, resident of Maur

Mandi, Tehsil Maur, District Bathinda, for quashing of FIR No. 75, dated 16.5.2015 (Annexure P-1), for the offences punishable under Sections 323, 452 and 506, IPC, registered at Police Station, Maur, District Bathinda, and all the consequential proceedings arising therefrom, on the basis of compromise dated 19.6.2015 (Annexure P-2).

Vide order dated 29.9.2015, 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, Talwandi Sabo, District Bathinda, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/injured, Rajesh Kumar, suffered the following statement:-

“ Stated that matter has been compromised between me and accused Bhushan Kumar aged about 36 years son of Amritpal son of Atma Ram R/o Maur Mandi, Tehsil Maur, District Bathinda, voluntarily and without any pressure or coercion. FIR No. 75 dated 16.05.2015 u/s 323, 452, 506 IPC, P.S. Maur, District Bathinda, is pending between us. The present FIR may kindly be quashed.”

Respondent No. 3/injured, Harish Kumar, and the petitioner, Bhushan Kumar, also suffered similar statements admitting the factum of the compromise. The operative part of the report received from learned Court below is as under:-

“3. It is submitted that the parties have made the statements voluntarily and without any pressure. The accused/petitioner was not declared proclaimed offender at any stage and there is no/any other criminal case is pending against the accused, i.e. the petitioner. In view of above referred statements, this court is of the view that parties have entered into compromise voluntarily and without undue influence, pressure and coercion..”

Learned counsel for the petitioner submits that on account of money transaction, the present criminal litigation has arisen between the private parties. 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 petitioner 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 HC Pal Singh of Police Station, Maur, District Bathinda, 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 petitioner are 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.

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 Nos. 2 and 3 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 petitioner 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.

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."

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 petitioner 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)**, this petition is accepted and FIR No. 75, dated 16.5.2015 (Annexure P-1), for the offences punishable under Sections 323, 452 and 506, IPC, registered at Police Station, Maur, District Bathinda, and all the consequential proceedings arising therefrom are hereby quashed.

February 1, 2016
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE