

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-33614-2015

Date of Decision: February 25, 2016

Jatinder Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Jatinder Kumar Kamboj, Advocate,
for the petitioner.

Mr. K.S. Pannu, 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 Jatinder Kumar, son of Achhar Mal, resident of Ayra Nagar (Dina Nagar), Tehsil and District Gurdaspur, for quashing of FIR No. 32, dated 2.3.2011 (Annexure P-1), for the

offences punishable under Sections 323, 324 and 506, IPC, registered at Police Station, Dina Nagar, District Gurdaspur, against the petitioner; the cross version (Annexure P-2) in the said FIR, for the offences punishable under Sections 323 and 324 read with Section 34, IPC, lodged by the petitioner against respondent Nos. 2 and 3; and all the consequential proceedings arising therefrom, on the basis of compromise, dated 10.8.2015 (Annexure P-3).

At the very outset, learned counsel for the petitioner submits that he does not pray for quashing of the cross-version (Annexure P-2) and, thus, the prayer for quashing of DDR case lodged by the petitioner against respondent Nos. 2 and 3 may be rendered infructuous.

Vide order dated 4.12.2015, the affected parties were directed to appear before the learned 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 alongwith copies of the statements of the parties with regard to validity or otherwise of the compromise effected between the parties, to this Court.

In compliance thereof, the affected parties did appear before learned Judicial Magistrate First Class, Gurdaspur, and

got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/injured, Dr. Inderjit Singh, and another injured person, Bharat Bhusan, suffered their separate but similar worded statements. The statement suffered by respondent No. 2/informant/injured, Dr. Inderjit Singh, reads as under:-

“ Stated that the matter has been compromised between me and accused Jatinder Kumar in FIR No. 32 dated 02.03.2011, under Section 323/324/506, IPC, P.S. Dinanagar with the intervention of respectables of area. The compromise arrived at between parties is with free consent and without any pressure from any corner. So I do not want to prosecute the accused. I have voluntarily made this statement without any pressure and coercion before this Id. Court. I have no objection at all if the present case is quashed in the Hon'ble High Court.”

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

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

“In compliance to the above said order,

statements of complainants Dr. Inderjit Singh son of Bachan Singh resident of village Magrala, Tehsil and District Gurdaspur and Bharat Bhushan son of Tilak Ram resident of Jattuwal, Tehsil and District Gurdaspur have been recorded, wherein they stated that the matter has been compromised between them and accused Jatinder Kumar with the intervention of respectables of area. The compromise arrived at between parties is with free consent and without any pressure from any corner. So, they does not want to prosecute their case against the accused. Now, they have no objection of any kind, if the proceedings in the case are quashed against the accused person. Statement of accused Jatinder Kumar son of Achhar Mal resident of Ayra Nagar (Dina Nagar), Tehsil and District Gurdaspur has also been recorded, wherein he also stated that the matter has been compromised. So intimation is being sent in this regard to your Goodself. The compromise arrived at between parties seems to be with free consent and without any pressure from any corner."

Learned counsel for the petitioner submits that on a trivial issue the quarrel had originated between both the private factions and the present criminal litigation had originated. 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-3).

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 got registered at the behest of respondent Nos. 2/informant/injured and respondent No. 3/injured against the petitioner, and all the consequential proceedings emanating therefrom would be sheer abuse of the process of law. In support of his contentions, learned counsel has drawn attention of this Court to the recital of the compromise deed (Annexure P-3) and placed reliance on 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 Parkash Chand of Police Station, Dina Nagar, District Gurdaspur, submits that in view of the compromise arrived at between the private parties, the police is not intending to file the charge-sheet (report under Section 173, Cr.P.C.) against the accused persons, in the present case. After going through the statements and the report received from learned Court below, he further

submits that he has no objection if the impugned FIR and all the consequential proceedings emanating therefrom 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 accused 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 both the private factions have genuinely effected a compromise with each other and they have no objection if the impugned criminal and consequential proceedings emanating therefrom 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. 32, dated 2.3.2011 (Annexure P-1), for the offences punishable under Sections 323, 324 and 506, IPC, registered at Police Station, Dina Nagar, District Gurdaspur, against the petitioner

and all the consequential proceedings arising therefrom, are hereby quashed, on the basis of compromise, dated 10.8.2015 (Annexure P-3). Since learned counsel for the petitioner has opted not to pray for quashing of the cross-version (Annexure P-2) lodged by him (petitioner) against respondent Nos. 2 and 3, therefore, the petition qua the said prayer has been rendered infructuous.

(NARESH KUMAR SANGHI)
JUDGE

February 25, 2016
P Kapoor