

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-35603-2015

Date of Decision: February 12, 2016

Chanchal Ram and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Vijay Rana, Advocate,
for the petitioners.

Mr. Piyush Bansal, DAG, Punjab,
for respondent No. 1.

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 Chanchal Ram, Rajinder Kumar, Kapil Dev and Komal Charan, all residents of village Bullowal, Police Station, Kartarpur, District Jalandhar, for quashing of FIR No. 123, dated 8.9.2013 (Annexure P-1), for the offences punishable under

Sections 148, 323, 427 and 451 read with Section 149, IPC, registered at Police Station, Kartarpur, District Jalandhar, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 15.10.2015, 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, Jalandhar, and got recorded their respective statements with regard to the compromise.

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

“ Stated that I have lodged an FIR No. 123, dated 08.09.2013 under Sections 451/427/323/148/149 IPC at P.S. Kartarpur, Jalandhar against accused Chanchal Ram son of Ram Dhan, Rajinder Kumar son of Raunki Ram, Kapil Dev son of Chanchal Ram and Komal Charan son of Satpal all resident of village Bhullowal, PS Kartarpur, Jalandhar, but now with the intervention

of respectables the matter has been voluntarily compromised with accused mentioned above out of my free will, without any pressure, coercion, undue influence and inducement etc. from any side. The compromise with the accused persons is genuine. The accused have filed quashing petition no. CRM-M-35603 of 2015 before Hon'ble High Court on the basis of compromise which is fixed for 15.12.2015. Now I have no grudge against the accused persons. So I do not want to proceed with the present case and I have no objection if the present FIR be quashed against the accused persons. None of the accused is proclaimed offender in the present case. I have also placed on record photo copy of my identity card being Sarpanch of village as Ex. C-1 as my identity proof."

All the four 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:-

" In view of statements given by complainant Gian Singh aged about 54 years, son of Rakha Ram, Resident of Bhullowal, Post Office Buttran, P.S. Kartarpur, Jalandhar and accused persons Chanchal Ram son of Ram Dhan, Rajinder Kumar son of Raunki Ram, Kapil Dev son of Chanchal Ram and Komal Charan son of Satpal this Court is of the considered opinion that

compromise between the parties is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.”

Learned counsel for the petitioners urged that both the private factions are residents of the same village and on a trivial issue of management and extending service to the Gurudwara Sahib of the village, the present criminal litigation has 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-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 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

Kewal Singh of Police Station, Kartarpur, District Jalandhar, 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 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 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.

123, dated 8.9.2013 (Annexure P-1), for the offences punishable under Sections 148, 323, 427 and 451 read with Section 149, IPC, registered at Police Station, Kartarpur, District Jalandhar, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 12, 2016
Pkapoor