

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

Criminal Misc. No. M-38567 of 2016

Date of Decision:-27.10.2016

Ranjodh Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. J.K. Singla, Advocate
for the petitioner.

Mr. Sultan Singh Gill, Deputy A.G., Punjab.

Mr. Jagjit Singh Chathrath, Advocate
for respondents No.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.20 dated 20.2.2012, under Sections 323, 148, 149 IPC (Section 325 IPC added later on vide Rapat No.15 dated 6.4.2012 and further Section 34 IPC was added by deleting Sections 148 and 149 IPC vide Rapat No.27 dated 21.1.2013), registered at Police Station Dayalpura, Tehsil Phul, District Bhatinda (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 7.6.2016 (Annexure P-2).

Notice of motion.

On asking of the Court, Mr. Sultan Singh Gill, Deputy A.G., Punjab accepts notice on behalf of respondent No.1-State. Mr. Jagjit Singh Chathrath, Advocate has put in appearance and filed power of attorney on behalf of respondents No.2 and 3. Same is taken on record. Learned counsel for the petitioner is directed to hand over requisite number of copies of paper book to learned counsel for the respondents during the course of the day.

Vide order dated 13.7.2016, passed in the connected petition i.e. CRM-M-22855 of 2016 titled 'Kuljit and another vs. State of Punjab and others', this Court had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 13.7.2016 passed in the connected case, the parties have appeared before the learned Magistrate on 29.8.2016 for getting their statements recorded.

The report dated 19.9.2016 received from the learned Judicial Magistrate 1st Class, Phul in the said connected case reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Kamaljeet Kaur before the JMJC, Phul, on 29.8.2016 in CRM-M-22855 of 2016 reads as under :-

“Stated that FIR No.20 dated 20.2.2012, under Sections 323, 148, 149 IPC, P.S. Dialpura was got registered by me against Kuljit Singh son of Gurdit

Singh, Gurdit Singh son of Sajjan Singh, Ranjodh Singh son of Kuljit Singh, Manjit Kaur wife of Kuljit Singh and some unknown persons including Jasvir Singh son of Darshan Singh. Now, the matter has been compromised between me and accused persons with the intervention of panchayat and common friends. Now, I do not want to proceed with the case against the above said accused. Copy of compromise is Ex.CX on which I identify my signatures. I have compromised the matter without any pressure, inducement threat or promise. I have no objection if FIR in question is quashed and above said accused be acquitted.”

Statement of Gurmeet Kaur, who was injured and mother of the complainant was also recorded on the same day before the JMIC, Phul to the same effect as of complainant.

Learned counsel appearing for respondent Nos.2 and 3 does not dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

In view of the statements recorded and the report received by

the learned Magistrate in the connected petition i.e. CRM-M-22855 of 2016, wherein the complainant Kamaljeet Kaur has made a statement that she has no objection in case the present FIR is quashed qua the petitioners (including the petitioner in the case in hand) and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, the present petition is allowed and FIR No.20 dated 20.2.2012, under Sections 323, 148, 149 IPC (Section 325 IPC added later on vide Rapat No.15 dated 6.4.2012 and further Section 34 IPC was added by deleting Sections 148 and 149 IPC vide Rapat No.27 dated 21.1.2013), registered at Police Station Dayalpura, Tehsil Phul, District Bhatinda and the consequential proceedings arising therefrom are hereby quashed qua petitioner on the basis of compromise.

October 27, 2016
Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No