

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37778-2015

Date of Decision: March 02, 2016

Prabhdeep Singh @ Parabhjit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Viney Puri, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab,
for respondent Nos. 1 to 3.

Mr. Angirus Pulkit, Advocate, for
Mr. Daygesh Kumar Bhatti, Advocate,
for respondent Nos. 4 and 5.

.....

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 Prabhdeep Singh @ Parabhjit Singh, Sukhpal Singh, Sukhpreet Singh and Satnam Singh, for quashing of DDR No. 35, dated 12.05.2010, for the offences punishable under Sections 148,

323, 324 and 326 read with Section 149, IPC, in case FIR No. 115, dated 12.05.2010, for the offences punishable under Sections 148, 323 and 324 read with Section 149, IPC, registered at Police Station, Sadar, District Jalandhar, and all the consequential proceedings arising therefrom, on the basis of compromise dated 07.09.2015 (Annexure P-2).

Vide order dated 05.11.2015, 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 Additional Chief Judicial Magistrate, Jalandhar, and got recorded their respective statements with regard to the compromise.

Respondent Nos. 4 and 5/informant/aggrieved persons, Balkar Singh and Manjit Kumar, respectively, suffered the following statements:-

Statement of respondent No. 4-Balkar Singh, reads as follows:-

“Stated that FIR No. 115 dated 12.05.2010 under Section 323/324/34 IPC, PS Sadar, Jalandhar was registered by my brother Manjit Kumar against the accused namely Prabhdeep Singh, Sukhpal Singh, Sukhpreet Singh and Satnam Singh. I also received injuries in the said incidence. The matter has been compromised with me, my brother and the accused. Compromise has been reduced into writing and the original compromise has been produced in the Hon’ble High Court. The Compromise has been effected without any pressure, threat or coercion or undue influence and the same is voluntarily made. I have no objection if the FIR registered against the accused is quashed. I have brought my original voter identity card today in the court and copy of the same is ExC2 (original seen and returned).”

Respondent No. 5-Manjit Kumar, suffered the following statement:-

“Stated that FIR No. 115 dated 12.05.2010 under Section 323/324/34 IPC, PS Sadar,

Jalandhar was registered by me against the accused namely Prabhdeep Singh, Sukhpal Singh, Sukhpreet Singh and Satnam Singh. The matter has been compromised with me and the accused. Compromise has been reduced into writing and the original compromise has been produced in the Hon'ble High Court. The Compromise has been effected without any pressure, threat or coercion or undue influence and the same is voluntarily made. I have no objection if the FIR registered against the accused is quashed. I have brought my original driving license today in the court and the copy of the same is ExC1 (original seen and returned)."

The petitioners 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 given by complainant/injured i.e. respondents No. 4 & 5 and that of accused/petitioners, this Court is of the view that a genuine compromise has been effected between the parties and there was no undue influence or coercion from any side."

Learned counsel for the petitioners submits that it is a case of version and cross version. He further 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 DDR 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 after taking instructions from Head Constable Gulzar Singh of Police Station, Sadar, District Jalandhar, and 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 DDR 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 finds substance in the submission of learned counsel for the petitioners 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 Nos. 4 and 5/informant/aggrieved persons, Balkar Singh and Manjit Kumar, respectively, have genuinely effected a compromise with the petitioners and they have no objection if the impugned DDR 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 DDR No. 35, dated 12.05.2010, for the offences punishable under Sections 148, 323, 324 and 326 read with Section 149, IPC, in case FIR No. 115, dated

12.05.2010, for the offences punishable under Sections 148, 323 and 324 read with Section 149, IPC registered at Police Station, Sadar, District Jalandhar, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

March 02, 2016
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