

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-37827-2015

Date of Decision: February 25, 2016

Gurdev Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Rajender Kumar, Advocate,
for Mr. Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab,
for respondent No. 1.

Mr. Lakhvinder Singh, Advocate,
for respondent No. 2.

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 Gurdev Singh, son of Major Singh, resident of Mangewal, Police Station, Thuliwal, District Barnala, for quashing

of FIR No. 28, dated 28.7.2015 (Annexure P-1), for the offence punishable under Section 326, IPC, registered at Police Station, Thuliwal, District Barnala, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 24.9.2015 (Annexure P-3).

Vide order dated 30.11.2015, the affected parties were directed to appear before the learned Trial Court/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 in that regard to this Court.

In compliance thereof, respondent No. 2/informant/injured, Jagjit Singh, and the petitioner, Gurdev Singh, did appear before learned Judicial Magistrate First Class, Barnala, and suffered their respective statements. Respondent No. 2/informant/injured, Jagjit Singh, stated as under:-

“ I have reached a compromise with the Gurdev Singh with intervention of respectables and relatives of area. We both have effected the compromise with our free will, which is beneficial for both of us. The present FIR and its cross version may kindly be quashed.”

The petitioner also suffered a similar statement

admitting the factum of the compromise.

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

“ This court, after hearing the parties in persons alongwith their counsel and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties is genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the complainant as well as accused are not the result of any pressure and coercion. The statements recorded by the parties are enclosed herewith.

- 1. There is only one accused as per the FIR and he is not Proclaimed offender.*
- 2. Jagjit Singh is complainant in this case and also injured. He has suffered statement regarding compromise.*
- 3. This is a cross FIR case and report under Section 173 Cr.PC has not been presented yet.*
- 4. Compromise is genuine, voluntarily and out of free will of parties.”*

Learned proxy counsel for the petitioner submits that he has instructions to state at the bar that both the private factions are residents of the same village. He further submits

that on account of turn of watering the fields, an altercation ensued, which culminated into registration of the impugned FIR and a cross-case against each other by the private parties. 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 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 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 Ranjit Singh of Police Station, Thuliwal, District Barnala, 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.

Learned counsel for respondent No. 2 submits that Jagjit Singh (respondent No. 2/informant/injured) did appear before learned Court below and suffered the statement with regard to the compromise. He further submits that respondent No. 2 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 petitioner 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/injured has genuinely effected a compromise with the petitioner 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. 28, dated 28.7.2015 (Annexure P-1), for the offence punishable under Section 326, IPC, registered at Police Station, Thuliwal, District Barnala, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 25, 2016
Pkapoor