

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38681-2015

Date of Decision: February 18, 2016

Sukhjinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. R.K. Arya, Advocate,
for the petitioner.

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

Mr. S.S. Kainth, Advocate,
for respondent No. 2.

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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 Sukhjinder Singh, for quashing of FIR No. 81, dated 13.06.2015 (Annexure P-1), for the offences punishable under Sections 336, 341 and 506 read with Section 34, IPC, and Sections 25 and 27 of Arms Act, 1959, registered at Police Station, Ajnala, District Amritsar (Rural), and all the consequential proceedings

arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 20.01.2016, 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 Trial Court, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/aggrieved person, Jaspreet Singh, suffered the following statement:-

“Stated that I have compromised the matter with the accused as mentioned in the FIR No. 81/2015, U/S 336,506,341,34 IPC and 25,27, 54 of Arms Act, P.S Ajnala, Distt Amritsar namely Sukhjinder Singh S/o Kashmir Singh R/o Village Lakhuwal, Tehsil Ajnala, Distt Amritsar out of my free will and consent and without any pressure, threat, coercion or undue influence. Further in the aforesaid FIR above named person is the only accused person, who is facing trial and he has not been declared proclaimed offender and there

is no criminal complaint/case is pending against the accused person. My compromise is genuine and voluntary one and as such I have no objection if the Hon'ble Punjab and Haryana High Court quashes the aforesaid FIR. Photocopy of my I/Card is attached as Mark B" ."

The petitioner also suffered the statement admitting the factum of the compromise. The operative part of the report received from learned Court below is as under:-

"From the statements of the complainant Jaspreet Singh and the accused Sukhjinder Singh recorded today in the court, it appears that the compromise arrived at between the parties is genuine one and is not the result of any pressure or coercion."

Learned counsel for the petitioner 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 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 after taking instructions from ASI Sukhjit Singh of Police Station Ajnala, District Amritsar (Rural) 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 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 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 along with statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant/aggrieved person 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.81, dated 13.06.2015 (Annexure P-1), for the offences punishable under Sections 336, 341 and 506 read with Section 34, IPC, and Sections 25 and 27 of Arms Act,1959, registered at Police Station, Ajnala, District Amritsar (Rural), and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 18, 2016
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