

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38976-2015

Date of Decision: February 18, 2016

Jobanpreet Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Rahul Jaswal, Advocate, for
Mr. Vivek K. Thakur, Advocate,
for the petitioners.

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

Mr. Vishal Satija, Advocate,
for respondent Nos. 2 and 3.

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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 Jobanpreet Singh @ Joban, Jagroop Singh @ Joopa, Tejinder Singh, Lovepreet Singh @ Lambar, Sarabjot Singh @ Love and Sarabjit Singh @ Sucha @ Fauji, for quashing of FIR No. 162, dated 25.09.2015 (Annexure P-1), for the offences punishable

under Sections 148, 323 and 506 read with Section 149, IPC, registered at Police Station, Sultanpur, District Kapurthala, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 18.11.2015, the affected parties were directed to appear before the learned Area Judicial Magistrate/Chief 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 alongwith copies of the statements to this Court.

In compliance thereof, the affected parties did appear before learned Area Judicial Magistrate, and got recorded their respective statements with regard to the compromise.

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

“Stated that, I have compromised the matter with petitioners/accused Jobanpreet Singh @ Joban son of Pargat Singh, Jagroop Singh @ Joopa son of Narinder Singh, Tejinder Singh son of Balkar Singh, Lovepreet Singh @ Lambar son of Gurnam Singh, Sarabjot Singh @ Love son of Jaswant and Sarabjit Singh @ Sucha @ Fauji son of Gulzar Singh,

voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. The photocopy of compromise dated 14.10.2015 is Mark A. I identify my signatures on the same.”

Respondent No.3/injured, Rajanbeer Singh, also admitted the factum of compromise.

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:-

“Both the parties have effected compromise which is genuine, voluntary, without any threat, pressure, coercion or undue influence.”

Learned proxy counsel for the petitioners 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 Bhupinder Singh of Police Station Sultanpur Lodhi, District Kapurthala, 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 alongwith statements of the affected parties received from learned Court below would reveal that respondent No. 2/informant/aggrieved person, Surjit Singh, and respondent No.3/injured, Rajanbeer Singh, have 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. 162, dated 25.09.2015 (Annexure P-1), for the offences punishable under Sections 148, 323 and 506 read with Section 149, IPC, registered at Police Station, Sultanpur, District Kapurthala, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 18, 2016
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