

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41644-2015

Date of Decision: February 19, 2016

Baljinder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sunny K. Singla, Advocate,
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab
for respondent No. 1.

None 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 Baljinder Singh and Manpreet Singh @ Shingho, for

quashing of FIR No. 191, dated 27.12.2014 (Annexure P-1), for the offence punishable under Section 382, IPC, registered at Police Station, Maur, District Bathinda, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 09.12.2015, 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 Trial Court, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant/aggrieved person, Amit Kumar, suffered the following statement:-

“Stated that matter has been compromised between me and accused Baljinder Singh aged about 23 years, son of Gian Singh son of Mukhtair Singh R/o village Ramgar Bhundar, P.S. Maur, Tehsil Maur, District Bathinda with co-accused persons namely Manpreet Singh @ Shingho aged about 22 years son of Jagga

Singh son of Sandhu Singh R/o village Ramgar Bhundar, P.S. Maur, Tehsil Maur, District Bathinda voluntarily and without any pressure or coercion. No other case except the present FIR bearing No. 191 dt. 27.12.2014 u/s 382,34 IPC P.S. Maur is pending between us and we do not have any grudge with opposite party and want to live peacefully. The present FIR may kindly be quashed.”

The petitioners also suffered the statements admitting the factum of the compromise.

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

“It is submitted that the parties have made the statements voluntarily and without any pressure. The accused/petitioners were not declared proclaimed offender at any stage. In view of above referred statements, this court is of the view that parties have entered into compromise voluntarily and without undue influence, pressure and coercion .”

Learned counsel for the petitioners submits that on account of snatching of three mobile phones from Amit Kumar, respondent No.2/informant, the present criminal litigation had arisen between the private parties. He further submits that due to

intervention of respectable and elderly people of the society, the dispute has been resolved. At present, there remains no ill-will amongst the private parties. He further submits that the offence alleged to have been committed by the petitioners were personal in nature and 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 judgments of Hon'ble the Supreme Court delivered in the cases of **Madan Mohan Abbot v. State of Punjab**, (2008) 4 SCC 582 and **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543 (SC), and the 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 Pal Singh of Police Station, Maur, District Bathinda, and going through the statements and the report received from learned Trial Court very fairly admits that the private parties have resolved their dispute and effected a compromise. He further fairly admits that the allegations levelled in the FIR would disclose that the offence alleged to have been

committed by the petitioners is personal in nature. 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 also finds that the allegations levelled by respondent No. 2 were with regard to snatching of three mobile phones. Both the private parties have resolved their dispute and effected a compromise and, as such, there remains no dispute between them.

There appears to be 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.

In the matter of **Madan Mohan Abbot (supra)**, Hon'ble the Supreme Court has held as under:-

"We need to emphasise that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of

a result in favour of the prosecution is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law."

In the matters of **Gian Singh (supra)** and **Kulwinder Singh (supra)**, it was ruled that in a petition under Section 482, Cr.P.C., filed on the basis of compromise, even the non-compoundable offences can be permitted to be compounded and criminal proceedings may terminate.

The report alongwith 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 **Madan Mohan Abbot (supra)**, **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted FIR No. 191, dated 27.12.2014 (Annexure P-1), for the offence punishable under Section 382, IPC, registered at Police

Station, Maur, District Bathinda, and all the consequential proceedings arising therefrom are hereby quashed.

February 19, 2016
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(NARESH KUMAR SANGHI)
JUDGE