

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42383-2015

Date of Decision: February 29, 2016

Ajit Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Harchand Singh Batth, Advocate,
for the petitioners.

Mr. Mikhail Kad, AAG, Punjab.

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 Ajit Singh and Ram Singh, for quashing of FIR No. 68, dated 19.7.2015 (Annexure P-1), for the offences punishable under Sections 379, 427, 452 and 506 read with Section 34, IPC, registered at Police Station, Chohla Sahab, District Tarn Taran, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 2.12.2015 (Annexure P-2).

Vide order dated 15.12.2015, the affected parties

were directed to appear before the learned 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 alongwith copies of the statements to this Court.

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

Respondent No. 2/informant, Rajwinder Kaur, suffered the following statement:-

“ Stated that I have compromised the matter with accused Daljit Singh alias Ajit Singh and Ram Singh sons of Surinder Singh, both residents of village Chamba Kalan, Tehsil and District Tarn Taran. The said compromise has been reduced into writing. The copy of the same is mark-A. Original of the said compromise has been attached with the petition filed under Section 482 Cr.P.C. before Honourable Punjab and Haryana High Court. I have entered into compromise with the above said accused persons without any influence, coercion and pressure of any person and with my own sweet will. I have no objection if the FIR in the present case lodged against the above said accused persons is quashed. I and above said accused persons will live

peacefully in future.”

Both the petitioners also suffered their respective statements admitting the factum of the compromise.

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

“ This court is of the considered opinion that the compromise between complainant on one side and accused persons on the other side has been arrived at voluntarily, without any pressure and with their free will and same is genuine one. As such the compliance report alongwith statements of the parties is hereby submitted.”

Learned counsel for the petitioners urged that both the private factions are residents of the same village. The impugned FIR was lodged on the statement made by respondent No. 2. 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-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 on instructions from ASI Lakhwinder Singh of Police Station, Chohla Sahab, District Tarn Taran, 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.

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 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 has genuinely effected a compromise with the petitioners and she 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)**, present petition is accepted and FIR No. 68, dated 19.7.2015 (Annexure P-1), for the offences punishable under Sections 379, 427, 452 and 506 read with Section 34, IPC, registered at Police Station, Chohla Sahab, District Tarn Taran, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 29, 2016
P Kapoor