

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42548-2015

Date of Decision: February 19, 2016

Ladha Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. J.S. Ghumman, Advocate,
for the petitioners.

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

Mr. Neeraj Madan, Advocate,
for respondent Nos. 2 to 5.

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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 Ladha Singh, Karnail Singh, Sukhdev Singh and Sukhwinder Singh, for quashing of cross version in FIR No. 24, dated 11.02.2014 (Annexure P-1), for the offences punishable under Sections 323, 324, 341 and 342, IPC, registered at Police Station, Bawa Khel, District Jalandhar City, and all the

consequential proceedings arising therefrom, qua the petitioners on the basis of compromise (Annexure P-2).

Vide order dated 19.12.2015, 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 along with copies of the statements to this Court.

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

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

“Stated that the present case has been registered on my statement against Karnail Singh, Ladha Singh, Sukhdev Singh and Sukhwinder Singh. With the intervention of the respectables of the society, the matter has been compromised between us. A compromise deed has also been executed between us and the copy of the same is ExP1. I also identify my signatures on ExP1. The present compromise has been executed without any coercion or pressure and the said

compromise has been executed with my free will and it is not having any adverse effect upon the rights of any third party. As per the compromise, I do not want to proceed with the present case and I have no objection if the present FIR is quashed. I have not been declared as proclaimed offender in any case pending before this court or in any other court. Copy of my identity proof is Exp2.”

Similar statements were suffered by respondent Nos. 3 to 5/aggrieved persons, namely Joginder Singh, Happy and Jaspal Singh.

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:-

“..... It is respectfully submitted htat in view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between the parties is genuine one, which is not the result of any pressure or coercion and the no other criminal proceedings are pending against either of the parties and no person in this case has ever been declared as Proclaimed Offender by this

Court.”

Learned counsel for the petitioners contends that the dispute among the private parties had allegedly originated on account of playing mischief by some boys with certain girls in the Gurudwara. He further submitted that FIR No. 24, dated 11.02.2014 (Annexure P-1), for the offences punishable under Sections 323, 324, 341 and 342, IPC, registered at Police Station, Bawa Khel, District Jalandhar City, was quashed qua Amrik Singh and others (private respondents in the present case) on the basis of compromise, by this Court vide CRM-M-18180-2015, on 06.10.2015. He further contends that due to intervention of the respectable and elderly people of the society, the present matter, i.e., cross version has also 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 cross version 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 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 Fakir Singh of Police Station, Bawa Khel, District Jalandhar City, 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 cross version 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 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.

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 cross version 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 cross version in FIR No. 24, dated 11.02.2014 (Annexure P-1), for the offences punishable under Sections 323, 324, 341 and 342, IPC, registered at Police Station, Bawa Khel, District Jalandhar City, and all the consequential proceedings arising therefrom, qua the petitioners are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 19, 2016
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