

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-42572-2015

Date of Decision: February 25, 2016

Karnail Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Surinder Garg, Advocate,
for the petitioners.

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

Mr. Lalit Sharma, Advocate,
for respondent Nos. 2 and 3.

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 Karnail Singh, Satvir Singh and Parmvir Singh, for quashing of FIR No. 85, dated 2.4.2010 (Annexure P-1), for the

offences punishable under Sections 323, 324, 341 and 506 read with Section 34, IPC, registered at Police Station, Samrala, District Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise, dated 1.12.2015 (Annexure P-2). It is pertinent to mention herein that in the charge-sheet (report under Section 173, Cr.P.C.), the offence punishable under Section 201, IPC, was also added.

Vide order dated 17.12.2015, 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, respondent No. 3/injured, Pushpinder Singh did appear before learned Court below and suffered his statement for himself and being the Special Power of Attorney of respondent No. 2/informant/injured, Rajwinder Singh, who is presently resident of 36, Barleyfield Road, Brampton, Ontario L6R1R2 Canada. The statement suffered by respondent No. 3, Pushpinder Singh is reproduced as under:-

*“ Stated that I and complainant (informant?)
Rajwinder Singh have compromised the matter with the*

accused persons without any undue influence, coercion or pressure. The compromise has been arrived vide compromise dated 1.12.2015. The photocopy of compromise is Ex. CX. The compromise is volunteer. I have no objection if the FIR is quashed by Hon'ble High Court against the accused. I am also authorised to suffer statement on behalf of complainant vide Special Power of Attorney dated September 11, 2015. The photocopy of the same is Mark-A.”

All the three petitioners also appeared before the learned Court below and got recorded their joint statement with regard to the compromise.

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

“ From the statements of parties, photocopies of compromise Ex. CX, I am of the considered view that the compromise arrived between the parties is volunteer and genuine. The report along with original statements of parties is being sent.....”

Learned counsel for the petitioners submits that both the private factions are residents of the same village. He further submits that on account of previous enmity between the petitioners and respondent No. 3/injured, Pushpinder Singh, the quarrel had originated and the present criminal litigation was

set into motion. 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 HC Harjinder Singh of Police Station, Samrala, District Ludhiana, 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.

Learned counsel for respondent Nos. 2 and 3 states at the bar that respondent No. 3, who is the Special Power of Attorney of respondent No. 2, did appear before learned Court below and suffered the statement with regard to effecting the compromise. He further submits that respondent Nos. 2 and 3 have 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 the informant/injured persons have genuinely effected a compromise with the petitioners and they have 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.

85, dated 2.4.2010 (Annexure P-1), for the offences punishable under Sections 323, 324, 341 and 506 read with Section 34, IPC, the offence punishable under Section 201, IPC, added in the charge-sheet (report under Section 173, Cr.P.C.), registered at Police Station, Samrala, District Ludhiana, and all the consequential proceedings arising therefrom are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

February 25, 2016
Pkapoor