

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42781-2015

Date of Decision: March 1, 2016

Lakhwinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sandeep Arora, Advocate, for the petitioners.

Mr. P.S. Paul, DAG, 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 Lakhwinder Singh, son of Surinder Singh @ Savinder Singh, Gurmukh Singh, son of Surinder Singh @ Savinder Singh and Surinder Singh @ Savinder Singh, son of Kishan Singh, for quashing of FIR No. 67, dated 28.6.2011 (Annexure P-1), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, registered at Police Station, Sekhwan, Police District Batala, District Gurdaspur, and all the consequential proceedings arising therefrom, on the basis of

compromise, dated 8.12.2015 (Annexure P-2).

Vide order dated 18.12.2015, 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. 2/informant/injured, Lakhwinder Singh, son of Tarlok Singh, did appear before learned Judicial Magistrate First Class, Batala, and suffered the following statement:-

“ That the present case in FIR No. 67 dated 28.06.2011 under Section 323/324/34 IPC, Police Station Sekhwan, District Gurdaspur, was registered against accused namely, Lakhwinder Singh son of Surinder Singh @ Savinder Singh, Gurmukh Singh son of Surinder Singh @ Sawinder Singh and Surinder Singh @ Savinder Singh son of Kishan Singh, all r/o village Sekhwan, District Gurdaspur, on my statement. Now the matter has been compromised between the parties with the intervention of respectable persons and relatives from both sides. I do not want to proceed against the accused persons, as I do not have any grudge against the petitioners/accused and we want to live in society with peace and harmony and I have no

objection if the present case in FIR No. 67 dated 28.06.2011, is quashed. I have suffered this statement without any pressure or coercion.”

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

“ From the statements of the parties recorded, it appears to the Court that the parties have entered into compromise without any pressure, coercion and same has done with the free consent of the parties.”

Learned counsel for the petitioners submits that on account of pruning of the branches of a Lemon tree standing on the land belonging to the petitioners' side, which were creating hurdle in irrigating the fields of the informant/respondent No. 2, the quarrel had taken place between both the private factions and the present criminal litigation had originated. 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 all the consequential proceedings emanating therefrom would

be sheer abuse of the process of law. In support of his contentions, 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 on instructions from HC Victor Masih of Police Station, Sekhwan, Police District Batala, District Gurdaspur, and after going through the statements and the report received from learned Court below, submits that he has no objection if the impugned FIR and all the consequential proceedings emanating therefrom are quashed on the basis of the compromise.

Learned counsel for respondent No. 2 states at the bar that respondent No. 2/informant/injured did appear before learned Court below and suffered the statement with regard to effecting the compromise. He further submits that respondent No. 2 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 the statements received from learned Court below would reveal that both the private factions have genuinely effected a compromise and respondent No.2/informant/injured has no objection if the impugned criminal 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. 67, dated 28.6.2011 (Annexure P-1), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, registered at Police Station, Sekhwan, Police District Batala, District Gurdaspur, and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

March 1, 2016
Pkapoor