

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43438-2015

Date of Decision: February 18, 2016

Sanjay Kumar @ Sanjay Bansal and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Gurinderjit Singh, Advocate,
for the petitioners.

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

Mr. Maninder Singh Saini, Advocate,
for respondent No. 2.

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 Sanjay Kumar @ Sanjay Bansal and Anil Kumar, for quashing of FIR No. 24, dated 14.2.2011 (Annexure P-1), for the offences punishable under Sections 120-B and 420, IPC, registered at Police Station, Dera Bassi, District S.A.S. Nagar, and all the consequential proceedings arising therefrom, on the basis of

compromise and Affidavit, dated 15.12.2015 (Annexures P-2 and P-3).

Vide order dated 22.12.2015, 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 Sub-Divisional Judicial Magistrate, Dera Bassi, and got recorded their respective statements with regard to the compromise.

Respondent No. 2/informant, Kala Rani, suffered the following statement:-

“ Stated that I have got the present FIR No. 24 of 14.02.2011 U/S 420, 120-B of IPC, P.S. Dera Bassi, registered against accused namely Sanjay Kumar @ Sanjay Bansal S/o Des Raj R/o H. No. 2305, Sector 23-C, Chandigarh, and Anil Kumar son of Dharam Pal, R/o H. No. 275, Phase-I, Saini Vihar, Baltana, Zirakpur, SAS Nagar, Punjab and now resident of H. No. 4153, Sector 68, S.A.S. Nagar (Mohali). I have compromised the matter with the accused Sanjay Kumar @ Sanjay Bansal and Anil Kumar with the intervention of respectable persons of the locality and now I have no dispute with accused persons. I have compromised the matter with the

accused Sanjay Kumar @ Sanjay Bansal and Anil Kumar voluntarily and without any pressure or coercion on the part of anybody. I do not want to pursue FIR No. 24 of 14.02.2011 U/S 420, 120-B of IPC, P.S. Dera Bassi and I am the only aggrieved person in the present case and I have got no objection in case the FIR is quashed against the accused.”

The petitioners also suffered their joint statement admitting the factum of the compromise.

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

“In view of the statements suffered by the parties, this Court is of the considered view that the parties have arrived at a volunteer compromise.”

Learned counsel for the petitioners submits that on account of sale of a plot of land 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 and both the private factions have entered into a compromise. At present, there remains no ill-will amongst the private parties. He further submits that the offences 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 the 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 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 Rameshwar Dass of Police Station, Dera Bassi, District S.A.S. Nagar, 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 fairly admits that the allegations levelled in the FIR would disclose that the offences alleged to have been committed by the petitioners were 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.

Learned counsel for respondent No. 2 also toed the lines of learned counsel for the State and states that respondent No. 2 did appear before learned Court below and suffered the statement admitting the factum of the 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 the allegations levelled by respondent No. 2 were personal in nature. Both the private parties have resolved their dispute and effected a compromise and, as such, there remains no dispute between them.

There is 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 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 **Madan Mohan Abbot (supra)**, **Gian Singh (supra)** and **Kulwinder Singh (supra)**, this petition is accepted and FIR No. 24, dated 14.2.2011 (Annexure P-1), for the offences punishable under Sections 120-B and 420, IPC, registered at Police Station, Dera Bassi, District S.A.S. Nagar, and all the consequential proceedings arising therefrom are hereby quashed.

February 18, 2016
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE