

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

**Criminal Misc. No. M-20036 of 2016
Date of Decision:-13.07.2017**

Tarpal Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. J.S. Pannu, Advocate for
Mr. J.S. Gill, Advocate
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Ms. Rajpal Kaur, Advocate
for respondent Nos. 2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.120 dated 28.12.2007, under Sections 307, 452, 324, 323, 506, 148/149 IPC and Section 25 of the Arms Act, 1959 (Sections 307 and 452 IPC deleted and Sections 336 and 326 IPC added later on), registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur (Annexure P-1) along with all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 03.6.2016, this Court had directed the parties

to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to forward a report about the genuineness of the compromise to this Court.

In compliance of the order dated 03.6.2016, the parties have appeared before the learned Magistrate on 22.7.2016 for getting their statements recorded.

The report dated 26.7.2016 received from the learned Judicial Magistrate 1st Class, Batala, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by complainant Shamsheer Singh before the JMJC, Batala, on 22.7.2016 reads as under :-

“Stated that I am complainant of this case and with the intervention of the respectables and relatives the matter has been compromised by me with the respondent/accused persons namely Tarpal Singh son of Kartar Singh, Rajpal Singh son of Harjinder Singh, Manpal Singh son of Tarpal Singh, Dhian Singh son of Jarnail Singh, residents of Village Parowal, Tehsil Batala, District Gurdaspur and Ranjit Singh son of Mangal Singh, resident of Flat No.211, Second Floor, LuenYuet House Kwai Luen Estate Kwai Chung, New Territories, Hongkong Sar Send Greetings through SPA Mangal Singh son of Saudagar Singh, resident of Village Parowal, Tehsil Batala, District Gurdaspur and the compromise is genuine and of my own free will and without any pressure. I have no objection if the FIR be quashed by the Hon'ble High Court of Punjab and Haryana.”

Similarly, statement of Sukhraj Kaur-respondent No.3, recorded on 4.11.2016 before the JMIC, Batala read as under :-

“I have entered into compromise on the intervention of respectables with accused Tarpal Singh son of Kartar Singh, Raj Pal Singh son of Harjinder Singh, Gajjan Singh son of Kartar Singh, Dhian Singh son of Jarnail Singh, Manpal Singh son of Tarpal Singh, all residents of Village Parowal, Tehsil Batala, District Gurdaspur. Ranjit Singh son of Mangal Singh, resident of Flat No.211, Second Floor, Luen Yed House Kwai Luen Estate Kwai Chung, New Territories, Hongkong Sar Send Greetings through SPA Mangal Singh son of Saudagar singh, resident of Village Parowal, Tehsil Batala, District Gurdaspur. The compromise has been arrived at out of our own free will and consent, voluntarily without any pressure, with the intervention of respectables. Now we have no grudge against each other i.e., complainant. No other civil and criminal litigation is pending between us.”

Statement of Gurbhej Singh son of Balkar Singh, one of the victim/witness also recorded before the JMIC, Batala on 24.4.2017 as under :-

“Stated that with the intervention of the respectables and relatives the matter has been compromised between me and complainant Tarpal Singh and the compromise is genuine and of our own free will and without any pressure. We have no objection if the FIR No.120 dated 28.12.2007 be quashed by the Hon'ble High Court of Punjab and Haryana.

Learned counsel appearing for the complainant does not

dispute the fact of compromise effected between the parties.

Learned State counsel also does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.120 dated 28.12.2007, under Sections 307, 452, 324, 323, 506, 148/149 IPC and Section 25 of the Arms Act, 1959 (Sections 307 and 452 IPC deleted and Sections 336 and 326 IPC added later on), registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

July 13, 2017

Vijay Asija

(**HARI PAL VERMA**)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No