

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

(Through Video Conferencing)

CRM-M-25165 of 2020

Date of Decision: 15.10.2020

Jasbir Singh @ Sheera

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Amit Dhawan, Advocate,
for the petitioner.

Mr. Sandeep Vermani, Addl. Advocate General, Punjab.

Mr. Prabhjot Singh Bedi, Advocate,
for respondent No.2.

NIRMALJIT KAUR, J. (ORAL)

Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.44 dated 04.04.2012, under Sections 323, 324, 506 IPC and Section 326 was added lateron, registered at Police Station Shahkot, District Jalandhar and all other consequential proceedings arising therefrom on the basis of compromise/affidavit, dated 14.03.2020, Annexure P-6.

Since the affidavit was not of the complainant but of his brother namely Amrik Singh, who is stated to have died, this Court, vide order dated 01.09.2020, adjourned the matter to enable the State to place on record the cause of death of the complainant and his death certificate to ascertain as to whether the cause of death was due to the injuries received by him in FIR No.44 dated 04.04.2012 mentioned above.

Short affidavit dated 12.10.2020 of Varinderpal Singh, PPS,

Rural on behalf of respondent No.1 has been filed stating therein that statement of respondent No.2 Amrit Singh son of Nachatar Singh, resident of village Kohar Kalan, Post Office Lassuri, Tehsil Shahkot, District Jalandhar, who is real brother of the complainant Amritpal Singh @ Pala (since deceased was recorded, which reproduced as under:-

“He specifically got recorded in his statement that they are two brothers and one sister. His sister is already married and is residing separately and his mother has already expired and his father is residing Abroad. His elder brother Amritpal Singh @ Pala (since deceased) was used to take drug injections and he died on 28.09.2014 on a tube well at village Kamal Ke, District Moga due to consumption of drugs. He further stated that he brought the dead both of Amritpal Singh @ Pala from village Kamal Ke, District Moga to village Kohar Kalan, Tehsil Shahkot, District Jalandhar, without initiating and legal action and cremated in the village Kohar Kalan. He also stated that his family did not get recorded any information regarding death of Amritpal Singh @ Pala in the government office of birth and death. Later on mortal remains of Amritpal Singh @ Pala were immersed in Gurudwara Shri Patalpuri Sahib, Shri Kiratpur Sahib, District Ropar on 08.10.2014. He also produced a photocopy of the said certificate. Copy of said certificate is attached as Annexure R-1/T. He also specifically got recorded in his statement that his brother Amritpal Singh @ Pala expired after the elapse of about two and half years of the registration of the FIR No.44 dated 04.04.2012 under Sections 323, 324, 326, 506 IPC registered at Police Station, Shahkot, District Jalandhar and the death of Amritpal Singh @ Pala has

no connection with the above said FIR.”

The said statement of Amrik Singh was also confirmed by the Sarpanch of the village as well as other residents of the village. It is further stated in the said affidavit that as per evidence collected Amritpal Singh @ Pala died due to taking injection of intoxicant drugs and that he was addicted to drugs.

From the said affidavit, it is evident that only affected party in the present case is the petitioner and the complainant Amritpal Singh @ Pala who has since died. He was un-married and his brother namely Amrik Singh is the only surviving legal heir. Amrik Singh, brother of complainant has compromised the matter with the petitioner. Taking into account the nature of the incident and the allegations, this Court finds no reason as to why the said compromise should not be accepted. In the present circumstances, there does not also appear to be any chance of conviction. It is also brought to the notice of this Court that although there were other accused in the present FIR but all were declared innocent and the challan was filed only against the present petitioner.

The learned counsel for the complainant confirms the compromise and stated that he has instructions to state that the complainant has no objection, if the FIR is quashed.

In view of the above, it is evident that the compromise is genuine.

Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs State of Punjab**, 2008 (2) RCR (Criminal) 429, observed as under:-

“We need to emphasize 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.”

That a Five Judge Bench of our own High Court in **Kulwinder Singh and others Vs State of Punjab and another**, 2007 (3) RCR (Criminal) 1052, too stated that “the compromise, in a modern society, is the sine qua non of harmony and orderly behavior. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.

In view of the above, this Court has no inhibition in accepting the compromise and to quash the FIR on the basis of said compromise.

Accordingly, the present petition is allowed and the FIR No.44 dated 04.04.2012, under Sections 323, 324, 506 IPC and Section 326 IPC added lateron, registered at Police Station Shahkot, District Jalandhar and all other consequential proceedings arising out of it are quashed.

It goes without saying that the parties will be bound by the said compromise.

15.10.2020
sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No