

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

CRM-M-46887-2021
Date of Decision:-28.2.2022

KULDEEP SINGH AND OTHERS

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

Mr. Ajay Kumar, Advocate for
Mr. A.S. Gulati, Advocate
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Present petition is for quashing of FIR No.167 dated 28.7.2017 under Sections 341, 326, 324, 323, 148, 149 IPC; Section 25 of Arms Act and Sections 3(1)(r)&(s) 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City Zira District Ferozepur on the basis of compromise dated 20.09.2021 (Annexure P-2) along with other consequential proceedings arising thereto.

The above stated FIR was registered on the statement of the complainant/respondent No.2-Darshan Singh, in which he stated that he belongs to Scheduled Caste community and on 28.7.2017, it was time of Panchayat elections and on that day he had gone to the office of BDPO Zira in support of Gurnam Singh who was contesting for the post of Sarpanch. At that time, the petitioners and their companions attacked him with different weapons and caused injuries to him and the accused persons also abused the respondent No.2 in the name of his caste.

On notice of motion, respondent No.2 appeared in the Court through his counsel and pleaded that he has no objection if the FIR in this case is quashed on the basis of the aforesaid compromise which has been effected between the parties.

During the course of preliminary hearing, the trial Court/Illaha Magistrate was directed to record the statements of the all the concerned parties with regard to genuineness and validity or otherwise of the aforesaid compromise.

In compliance thereof, report from the Court of Sub-Divisional Judicial Magistrate, Zira along with statements of the parties has been received, in which, it is mentioned that the compromise is genuine and there was no undue influence or coercion from any side.

I have heard learned counsel for the parties.

Learned counsel for the petitioners and for respondent No.2 are ad idem that in view of the settlement effected between the parties, the present petition deserves to be accepted. It has also come on record that the

aforesaid compromise is genuine and the parties effected the same without any undue influence or coercion

In **Ramawatar v. State of Madhya Pradesh** Criminal Appeal No.1393 of 2011 decided on 25.10.2021, Hon'ble Supreme Court quashed the FIR registered under Section 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on the basis of the compromise. Hon'ble Apex Court while accepting the said compromise, observed that where it appears to the Court that the offence in question though covered under SC/ST Act, is primarily private or civil in nature or where the alleged offence has not been committed on account of caste of the victim or where continuation of legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings.

In the instant case, parties have resolved their dispute and respondent No.2 is not interested in prosecution of the FIR in question against the petitioners. In these circumstances if the prosecution of the petitioners on the basis of FIR in question is kept pending, it will definitely amount to an abuse of the process of law.

For the reasons aforestated and having regard to the law laid down by Hon'ble Apex Court in **Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543** and Five Judges Bench of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this petition is allowed and FIR No.167 dated 28.7.2017 under Sections 341, 326, 324, 323, 148, 149 IPC; Section 25 of Arms Act and Sections 3(1)(r)&(s) 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City

Zira District Ferozepur on the basis of compromise dated 20.09.2021 (Annexure P-2) and all the subsequent proceedings thereof are hereby quashed qua the petitioners.

(KARAMJIT SINGH)
JUDGE

28.2.2022
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No