

(2015) 02 P&H CK 0145
In the Punjab And Haryana At Chandigarh
Case No : CRM-M-22749-2014 (O and M)

Puran Chand and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 04-02-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 148, 149, 323, 326

Citation : (2015) 02 P&H CK 0145

Hon'ble Judges : Naresh Kumar Sanghi, J.

Bench : Single Bench

Advocate : Jaswinder Singh Grewal, for the Appellant; K.S. Pannu, DAG,
Advocates for the Respondent

Final Decision : Allowed

Judgement

Naresh Kumar Sanghi, J.—The present petition under Section 482, Cr.P.C., has been filed by petitioners, namely, Puran Chand, Jagga Ram, Sher Chand, Sukhwinder Pal, Jatinder Pal @ Jyoti and Chhindertpal @ Chhinda, all residents of Mohalla Shivrampura (Kamboj Mohala), near Johri Mandir, Tehsil Abohar, District Fazilka, for quashing of FIR No. 266, dated 27.8.2007 (Annexure P-1), under Sections 148, 323 and 326 read with Section 149, registered at Police Station, City, Abohar, District Ferozepur, and all the consequential proceedings arising therefrom, including the judgment of conviction and the order of sentence, dated 16.4.2014 (Annexure P-2), passed by learned Sub- Divisional Judicial Magistrate, Abohar, in view of the compromise dated 28.6.2014 (Annexure P-3).

2. Vide order dated 10.10.2014, the affected parties were directed to appear before learned Chief Judicial Magistrate, Ferozepur, for getting their respective statements recorded with regard to the compromise. Due to change of the districts, later on the said order was modified and it was ordered that the affected parties would appear before learned Chief Judicial Magistrate, Fazilka.

3. In compliance of above, the petitioners (six in number) as well as injured,

Manjit Kumar, did appear before learned Chief Judicial Magistrate, Fazilka, and suffered their statements admitting the factum of the compromise. Injured/ respondent No. 2, Manjit Kumar, suffered the following statement:-

" Stated that in the present case FIR No. 226 dated 27.08.2007 u/s 326/323/148/149 IPC of PS City Abohar was registered on my statement against petitioner/accused (1) Puran Chand, aged about 52 years son of Goma Ram @ Soma Ram son of Bula Ram (2) Jagga Ram, aged about 46 years son of Goma Ram @ Soma Ram son of Bula Ram (3) Sher Chand son of Goma Ram @ Goma son of Bula Ram, aged about 40 years (4) Sukhwinder Pal, aged about 30 years son of Puran Chand son of Goma Ram (5) Jatinder Pal @ Jyoti, aged about 28 years son of Puran Chand (6) Chhindertpal @ Chhinda, aged about 32 years son of Puran Chand all residents of Mohalla Shivrmpura (Kamboj Mohalla) near Hohri Mandir, Tehsil Abohar, District Fazilka. All the accused involved in the present case were convicted and sentenced by the court of Sh. Amit Malhan, SDJM, Abohar as per judgment dated 16.04.2014. The appeal against the said judgment is pending in the court of Ms. Jatender Walia, Ld. Additional Sessions Judge, Fazilka for today i.e. 18.11.2014. During the course of the appeal, with the intervention of the respectable, relatives and friends, I have compromised with the above said accused/petitioners as per compromise deed dated 28.06.2014 without any influence, coercion, pressure at my own with my free will. Being the cross version we both the parties filed quashing proceedings before the Hon''ble Punjab and Haryana High Court as per Crl. Misc. No. M-22761 and M-22749 of 2014 respectively. I have no further grudge remained against the accused/petitioners. We want to live our life happily with peace and harmony without any pressure. The accused/petitioners have already filed the quashing proceedings before the Hon''ble Punjab and Haryana High Court vide CRM-M-22749 of 2014. I have no objection if the quashing proceedings against the accused/petitioners be accepted."

4. Similar joint statement was suffered by all the six petitioners admitting the statement suffered by respondent No. 2/complainant. The operative part of the report received from learned Chief Judicial Magistrate, Fazilka, is as under:-

" From the above said statements of the complainant of the present case as well as the petitioners/accused, have affected a compromise, which seems to be genuine."

5. Learned counsel for the petitioners would submit that it is a case of version and cross-version in which both the private factions had received injuries; the quarrel had originated on account of parking of a truck owned by one Rang Lal (since deceased) in front of the shop of petitioner No. 1, Puran Chand; during trial both the private factions were convicted and sentenced in their respective cases by the learned Trial Court; both the private factions have filed their appeals which are pending adjudication before learned Additional Sessions Judge, Fazilka; and that during pendency of the said appeals, better sense prevailed and both the private factions have resolved all their disputes and effected a

compromise with each other. He further submits that during pendency of the trial and appeal, petitioners as well as the opposite party were ordered to be released on bail, but they did not misuse the said concession in any manner. It has also been contended that the petitioners are the first offenders. He further submits that in view of the compromise so effected between the private parties, pendency of the FIR and consequential proceedings emanating therefrom, would be sheer abuse of the process of law. In support of his contentions, learned counsel has placed reliance on the ratio of the judgment of Hon''ble the Supreme Court delivered in the case of Gian Singh Vs. State of Punjab and Another, , and a 5-Judge Bench judgment of this Court in the case of Kulwinder Singh and Others Vs. State of Punjab and Another, .

6. Learned counsel for the State has gone through the copies of the statements suffered by the private parties and the report received from learned Chief Judicial Magistrate, Fazilka. After obtaining instructions from ASI Rupinder Singh of Police Station, City, Abohar, he very fairly concedes that the private parties have sorted out their disputes and effected a compromise and, as such, he has no objection with regard to quashing of the impugned FIR and the consequential proceedings emanating therefrom on the basis of the compromise.

7. Learned counsel for respondent No. 2, Manjit Kumar, has also followed the line of action of learned counsel for the State and has no objection if the impugned FIR and all the consequential proceeding arising therefrom are quashed on the basis of the compromise. He submits that he has instructions to state at the bar that both the private factions have resolved all their disputes and effected a compromise (Annexure P-3). Respondent No. 2/complainant has also appeared before learned Chief Judicial Magistrate, Fazilka, and suffered his statement admitting the factum of the compromise.

8. I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

9. The private parties are residing in the same town. On account of parking of a truck owned by Rang Lal (since deceased) in front of the shop of petitioner No. 1, Puran Chand, a quarrel had taken place in which both the private factions had received injuries. Now due to intervention of respectable and elderly people of the society, they have sorted out their grievances and effected a compromise (Annexure P-3). Complainant/respondent No. 2 has suffered his statement before the learned Court below, which has been reproduced hereinabove. The report received from the said Court also reveals that the compromise effected between the parties was without any pressure and genuine one.

10. In the matter of Sube Singh and Another Vs. State of Haryana and Another, , Hon''ble Division Bench of this Court held that where the offences are personal in nature and during pendency of the appeal the affected parties have resolved their disputes and effected a compromise, then the criminal proceedings can be quashed by the High Court while exercising the jurisdiction under Section

482, Cr.P.C.

11. As a sequel to the above discussion, this petition is accepted and FIR No. 266, dated 27.8.2007 (Annexure P-1), under Sections 148, 323 and 326 read with Section 149, registered at Police Station, City, Abohar, District Ferozepur, and all the consequential proceedings arising therefrom, including the judgment of conviction and the order of sentence, dated 16.4.2014 (Annexure P-2), passed by learned Sub- Divisional Judicial Magistrate, Abohar, are hereby quashed.