
(2013) 08 P&H CK 0855

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. M-26423 of 2011

Sajjan Singh

APPELLANT

Vs

State of Haryana and
Others

RESPONDENT

Date of Decision: Aug. 5, 2013

Acts Referred:

- Penal Code, 1860 (IPC) - Section 120B, 406, 420

Citation: (2013) 08 P&H CK 0855

Hon'ble Judges: Naresh Kumar Sanghi, J

Bench: Single Bench

Advocate: P.S. Dhaliwal in CRM M-26423 of 2011 and Mr. M.L. Saini in CRM M-37610 of 2012, for the Appellant; Chetan Sharma, AAG, Haryana, Mr. Virender Soni, Advocate for Respondent Nos. 3 and 4, Mr. Vijay Dahiya, Advocate for Respondent Nos. 5 and 6, for the Respondent

Final Decision: Allowed

Judgement

Naresh Kumar Sanghi, J.

Prayer in the above captioned petitions is for quashing of FIR No. 238, dated 23.08.2011, under Sections 120-B, 406 and 420, IPC, registered at Police Station, Shahabad, District Kurukshetra, and all the subsequent proceedings arising therefrom, on the basis of compromise. Vide order dated 15.02.2013, this Court had directed the affected parties to appear on 01.03.2013 before the learned Judicial Magistrate Ist Class, Kurukshetra, for making their respective statements with regard to the compromise. The said Court was also directed to send its detailed report in that regard along with copies of the statements to this Court on or before the date fixed by this Court.

2. In compliance thereof, the aggrieved persons, namely, Harbhajan Singh and Gurmeet Kaur (respondent Nos. 5 and 6 in CRM-M-26423-2011) as well as the petitioners total eight in number of both the petitions, namely, Sajjan Singh, Amar Kaur, Daulat Singh,

Gurbachan Singh, Gurdev Singh, Baldev Singh, Joginder Singh and Prem Singh, did appear before the learned court below and got recorded their respective statements with regard to the compromise. It is apposite to mention here that there was one more accused, namely, Parkash, who died during trial, therefore, he could not appear before the court below.

3. Harbhajan Singh (respondent No. 5/complainant) inter-alia stated that he had entered into an agreement dated 10.06.2009 at Balachaur, District Shaheed Bhagat Singh Nagar, with Daulat Singh (petitioner) for purchase of land situate at village Milakpur, Tehsil Nawanshahar, District Shaheed Bhagat Singh Nagar, in his own name (Harbhajan Singh) and in the name of his brothers' children, Maninder Singh and Kamaljeet Kaur, whose mother and natural guardian was Smt. Gurmeet Kaur (respondent No. 6). There arose a dispute between him and Daulat Singh in that regard and as such, the impugned FIR was registered at Police Station, Shahabad, against the petitioners. Due to intervention of respectable and Khangri Panchayat, the matter had been compromised between him and Daulat Singh and others. He also deposed that he had no objection if the impugned FIR was quashed. He further deposed that he was satisfied with the terms of the compromise.

4. Similar statement was suffered by Gurmeet Kaur. Even the petitioners got recorded their separate statements on oath, admitting the factum of compromise.

5. Learned counsel for the petitioners in both the petitions submit that on account of piece of land, a dispute had arisen between the complainant and the petitioners. He further submits that due to intervention of respectable and elderly people of the society, a better sense has prevailed and both the factions have sorted out their dispute and effected a compromise. Most of the conditions of the compromise have already been materialized and the residue would be materialized within the stipulated period as mentioned in the compromise. He also submits that the petitioners are peace loving persons and are not involved in any other case. He further submits that the chances of ultimate conviction of the petitioners are bleak, therefore, pendency of FIR and continuation of the trial would be a sheer abuse of the process of law.

6. Learned counsel for the State, on instructions from SI Nafe Singh, Police Station, Shahabad, District Kurukshetra, admits the factum of compromise effected between the parties. He, after going through the statements and the status report sent by learned Judicial Magistrate Ist Class, Kurukshetra, submits that he has no objection if the impugned FIR and all the consequential proceedings arising therefrom, are quashed.

7. Learned counsel for the private respondents, namely, Harbhajan Singh and Gurmeet Kaur has toed the submissions of learned counsel for the State and admitted the factum of compromise. He too has no objection if the impugned FIR and all the consequential proceedings arising therefrom, are quashed. He contends that Harbhajan Singh and Gurmeet Kaur did appear before the learned court below and suffered their respective statements with regard to the compromise. He also contends that most of the conditions

of the compromise have been materialized.

8. Heard.

9. The present criminal litigation has arisen out of a dispute over a piece of land and as such, the complainant party lodged the impugned FIR. Due to intervention of the respectable and elderly people of the society, they have resolved all their disputes and effected a compromise. The aggrieved persons/complainant party as well as the petitioners did appear before the court below and got recorded their respective statements with regard to the compromise. Even the petitioners have also admitted the factum of compromise in their respective statements. Learned counsel for the State as well as learned counsel representing the private respondents/complainant have admitted the factum of compromise and have no objection if the impugned FIR and the consequential proceedings are quashed. The operative part of the report received from the learned Judicial Magistrate Ist Class, Kurukshetra, is as under:-

From the statement of the party, this Court is satisfied that the party has amicably settled the dispute and there was no pressure, coercion or threat upon the parties while giving their statement in the Court. Both the counsel for the parties have filed their power of attorney. The party has been duly identified by his counsel in the Court. Report as desired by the Hon"ble High Court is hereby sent forthwith through proper channel. Papers be tagged with the FIR.

10. Taking into consideration the above facts, this Court is of the opinion that chances of ultimate conviction of the petitioners are bleak, therefore, pendency of the FIR and continuation of the trial would be a sheer abuse of the process of law.

11. In view of the factum of compromise and the law laid down by Hon"ble the Supreme Court in [Gian Singh Vs. State of Punjab and Another](#), as well as the judgment delivered by a Five Judge Bench of this Court in [Kulwinder Singh and Others Vs. State of Punjab and Another](#), , the present petition is allowed and FIR No. 238, dated 23.08.2011, under Sections 120-B, 406 and 420, IPC, registered at Police Station, Shahabad, District Kurukshetra, and all the consequential proceedings arising therefrom are hereby quashed. A copy of this order be placed on the file of CRM-M-37610 of 2012 (Gurbachan Singh & Ors. vs. State of Haryana & Ors.)