

Gurmej Singh Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 11, 2014

Acts Referred: Penal Code, 1860 (IPC) â€” Section 148, 149, 323, 326, 427

Hon'ble Judges: Naresh Kumar Sanghi, J

Bench: Single Bench

Advocate: Vipin Mahajan, Advocate for the Appellant; P.S. Ghuman, Addl. A.G., Sunil Agnihotri and Randeep Singh, Advocate for the Respondent

Final Decision: Allowed

Judgement

Naresh Kumar Sanghi, J.

Prayer in this petition is for quashing of FIR No. 51, dated 21.06.2013, for the offences punishable under

Sections 148, 323, 326, 427 and 452 read with Section 149, IPC, registered at Police Station, Sadar, Batala, and all the consequential

proceedings arising therefrom, on the basis of compromise.

2. Vide order dated 08.08.2013, this Court had directed the affected parties to appear before the learned trial Court for getting their respective

statements recorded with regard to the compromise. The said Court was also directed to submit its report on or before the date fixed by this

Court.

3. In compliance of the above, Balwinder Kaur and Darshan Singh, the injured, as well as the petitioners (four in number) did appear before the

Court below and got recorded their statements with regard to the compromise. Darshan Singh-injured made the following statement:-

Stated that in case of FIR No. 51, dated 21.06.2013, P.S. Sadar Batala under Sections 452/326/323/148/149/427 IPC was registered against

petitioners Gurmej Singh son of Bachan Singh, Harjinder Singh son of Gurmej Singh, Gurwinder Singh son of Gurmej Singh, all residents of

village-Balpuriya, Tehsil-Batala, District Gurdaspur and Harpreet Singh son of Bua Singh, R/o Pahara, Tehsil & District Gurdaspur, on the

statement of Balwinder Kaur and I had received injuries in this case.

The respectable of the locality have patch up the matter and we have compromised with the interference of the respectables with a view to live

peacefully in the locality and I have seen the photocopy of compromise i.e. Annexure P-1 and the same is duly executed by me and Balwinder

Kaur without any influence and with my due consent and I have no objection if the FIR is quashed.

4. Similarly, Balwinder Kaur-injured suffered the following statement:-

Stated that in case of FIR No. 51, dated 21.06.2013, P.S. Sadar Batala under Sections 452/326/323/148/149/427 IPC was registered against

petitioners Gurmej Singh son of Bachan Singh, Harjinder Singh son of Gurmej Singh, Gurwinder Singh son of Gurmej Singh, all residents of

village-Balpuriya Tehsil-Batala, District Gurdaspur and Harpreet Singh son of Bua Singh, R/o Pahara, Tehsil & District Gurdaspur on my

statement.

The respectable of the locality have patch up the matter and we have compromised with the interferes of the respectable with a view to live

peacefully in the locality and I have seen the photocopy of compromise i.e. Annexure P-1 and the same is duly executed by me without any force

and with my due consent and I have no objection if the FIR is quashed.

The petitioners in their statements also admitted the factum of compromise.

5. The report received from the learned Judicial Magistrate 1st Class, Batala, reveals that the parties had entered into the compromise without any

pressure and with their free will.

6. Learned counsel for the petitioners submits that on account of the trivial issue of making a phone call to respondent No. 2 Balwinder Kaur, the

quarrel had originated wherein Balwinder Kaur and Darshan Singh had allegedly received injuries. Due to intervention of respectable and elderly

people of the society, the matter had been sorted out and both the affected parties arrived at the compromise. The injuries received by Balwinder

Kaur and Darshan Singh have healed and they are living normal life. He further contends that in view of the compromise, continuation of the trial

arising out of the impugned FIR would be sheer abuse of the process of law. In support of his contention, learned counsel for the petitioners has

placed reliance on the judgment of Hon"ble the Supreme Court in the matter of Gian Singh Vs. State of Punjab and Another, and a five Judge

Bench judgment of this Court in the case of Kulwinder Singh and Others Vs. State of Punjab and Another,

7. Learned counsel for the State, on instructions from ASI Dalbir Singh of Police Station, Sadar, Batala, very fairly concedes the factum of

compromise effected between the private parties. He has no objection if the impugned FIR and the consequential proceedings arising therefrom

are quashed.

8. Learned counsel for respondents No. 2 and 3 has also toed the line of learned counsel for the State and concedes the factum of compromise.

He too has no objection if the impugned FIR and the consequential proceedings arising therefrom are quashed. He further submits that respondents

No. 2 and 3 did appear before the learned trial Court and got recorded their statements with regard to the compromise which have been

reproduced above.

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

10. Concededly, the occurrence had originated on account of a minor issue. Due to intervention of respectable and elderly people of the society,

both the private factions have sorted out their dispute. The offences for which the petitioners have been booked are of personal nature. The case is

still at the investigation stage. In view of the compromise effected between the parties, the chances of conviction and sentence of the petitioners are

bleak and, therefore, continuation of the trial arising out of the impugned FIR would be sheer abuse of the process of law.

11. Keeping in view of the totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment delivered by

Hon"ble the Supreme Court in the matter of Gian Singh's case (supra) and a 5-Judge Bench judgment of this Court in the case of Kulwinder

Singh's case (Supra), this petition is accepted and FIR No. 51, dated 21.06.2013, for the offences punishable under Sections 148, 323, 326, 427

and 452 read with Section 149, IPC, registered at Police Station, Sadar, Batala, and the consequential proceedings arising therefrom, are hereby

quashed.