

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

266+127

CRM-42401-2018 in/and
CRM-M-10013-2018 (O&M)

Date of Decision:30.11.2018

Harbhajan Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Amardeep Singh Gill, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab.

None for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

CRM-42401-2018

Prayer in this application filed under Section 482 Cr.P.C. is for correction of the father's name of respondent No.2-Nirmal Singh as Tarlok Singh instead of Kehar Singh in the Memo of Parties.

Learned counsel for the petitioner states that in the Memo of Parties, name of the father of respondent No.2-Nirmal Singh has wrongly been typed as Kehar Singh, whereas Nirmal Singh is son of Tarlok Singh. He seeks correction to that extent.

Ordered accordingly.

Amended Memo of Parties is taken on record.

CRM stands disposed of accordingly.

CRM-M-10013-2018

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.103 dated 20.12.2002 under Sections 447, 427 IPC,

registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.09.2008 (Annexure P-3).

Learned counsel for the petitioner states that pursuant to the order dated March 19, 2018 passed by this Court, petitioner has surrendered before the trial court and has been released on bail. Therefore, P.O. proceedings qua him are over. Now learned counsel for the petitioner has confined his prayer for quashing the FIR only.

This Court vide order dated 19.03.2018 had directed the parties to appear before the Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.07.2018 to the effect that the parties have made statements without any pressure, with their own sweet will and the compromise entered into between them seems to be genuine.

Though, today no one is present on behalf of respondent No.2-Complainant, namely, Nirmal Singh as well as respondent No.3-Kehar Singh, but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 05.05.2018. The same is reproduced as under:-

“Stated that FIR No.103 dated 20.12.2002 has been registered against, Jaswinder Singh son of Gurmail Singh, Ajit Singh son of Dalip Singh, Surinder Singh son of Dharam Singh, Mohan Singh son of Pakhar Singh,

Raghubir Singh son of Karam Singh, Anant Singh son of Jai Chand, Harbhajan Singh son of Gurdev Singh, Satnam Singh son of Gurdev Singh, Harbhajan Singh son of Kabul Singh, Karnail Singh son of Kabul Singh, Sandeep Singh son of Harbhajan Singh, Ajaib Singh son of Dalip Singh, Sarwan Singh son of Mela Ram, Harbhajan Singh son of Pritam Singh, Manjit Singh son of Pakhar Singh, Jassa Singh son of Jujhar Singh, Rawel Singh son of Gian Singh, Gian Singh son of Darshan Singh, Manjit Singh son of Darshan Singh, Balbir Singh son of Darshan Singh and Kuldeep Singh son of Dharm Singh, all resident of village Kajampur, Tehsil Nawanshahahr District Shaheed Bhagat Singh Nagar, under Sections 447/427 of IPC at Police Station Rahon on the basis of complaint made by us and Parsa Singh son of Bishan Singh resident of village Kajampur (since died) before the police. Copy of our Adhar Cards are Ex.PA and EX.PB.

Now with the intervention of the respectabels as well as relatives of both the sides, the matter has been amicably settled and compromised with all the accused including Harbhajan Singh age about 55 year son of Gurdev Singh resident of village Kajampur, Tehsil Nawanshar, District Shaheed Bhagat Singh Nagar. Since, the matter has been settled, and compromised, which is reduced into writing and same is Ex.C1. Now we do not want to proceed further with the present case and we have no objection if the FIR is quashed. We have entered into compromise with our own sweet will without any outside pressure and we are making this statement with our own sweet will.

Except us there is no any other person effected in this case. The FIR was got registered by us against above said accused persons only and accused Harbhajan Singh son of Gurdev Singh is present today in the court for recording his statement regarding compromise and he was previously PO in the present case and accused Jaswinder

Singh son of Gurmail Singh, Ajit Singh son of Dalip Singh, Surinder Singh son of Dharam Singh, Mohan Singh son of Pakhar Singh, Raghvir Singh son of Karam Singh, Ajit Singh son of Jai Chand, Harbhajan Singh son of Karam Singh, Karnail Singh son of Kabal Singh, Sandeep Singh son of Harbhajan Singh, Ajaib Singh son of Dalip Singh, Sarwan Singh son of Mela Singh, Harbhajan Singh son of Pritam Singh, Manjit Singh son of Pakhar Singh, Jassa son of Jujhar Singh, Rawail Singh son of Gian Singh, Jarnail Singh son of Darshan Singh, Ajit Singh son of Darshan Singh, Balvir Singh son of Darshan Singh all residents of village Kajampur have already been acquitted by the trial Court. Accused Satnam Singh son of Gurdev Singh has been declared proclaimed offender. There is no other criminal case pending against the accused named in the FIR or between the parties.

The father's name of complainant Nirmal Singh is Tarlok Singh but it is mis-spelt as Kehar Singh in the compromise Ex.C1. Even in the head note of the order of the Hon'ble High Court the father's name of Nirmal Singh has been written as Khehar Singh but it should be Tarlok Singh. Further in the judicial file there is complaint on record on the basis of which FIR was registered and in the said complaint the father's name of Nirmal Singh has been correctly mentioned as Tarlok Singh. The copy of the aadhar card of Nirmal Singh showing his father name as Tarlok Singh is Ex.PB. Copy of identity Card of Manjit Singh, Panch is Ex.PC.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment

of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.103 dated 20.12.2002 under Sections 447, 427 IPC, registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar(Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 04.09.2008 (Annexure P-3), subject to payment of costs of ₹10,000/- to be paid within 15 days from today with the Poor Patients Welfare Fund, PGIMER, Chandigarh. The petitioner shall produce a receipt with the Registry.

November 30, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No