

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl. Misc. No.M-1426 of 2018 (O&M)
Date of Decision: 01.05.2018

Jagroop Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Kamalpreet Bawa, Advocate, for the petitioners.
Mr. J.S. Walia, Sr. DAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, quashing of FIR No.29 dated 21.06.1998, registered against the petitioners at Police Station Nihal Singh Wala, District Moga, for the alleged commission of offences punishable under Section 171-A IPC, as also other subsequent proceedings arising therefrom, is sought, on the basis of a compromise arrived at between the petitioners-accused and respondent no.2, i.e. the complainant.

Vide an order of this Court dated 16.01.2018, the parties were directed to appear before the learned Area Magistrate to get their statements recorded, in terms of the compromise.

Pursuant to the aforesaid order, the report of the learned Sub-Divisional Judicial Magistrate, Nihal Singh Wala, Sessions Division, Moga, has been received, stating therein firstly that the complainant, Mohinder Singh, has died, and the three petitioners-accused, Jagroop Singh,

Mandeep Singh, Gurcharan Singh, as also Darshan Singh (who is also stated to have died), are party to the present case/petition.

Thereafter, it has been stated in the detailed report sent by the learned Magistrate, that on behalf of the deceased-complainant, his son Sukhdev Singh, resident of Village Takhtupura, Tehsil Nihal Singh Wala, District Moga appeared and recorded his statement in respect of the compromise and also submitted before that Court that the aforesaid FIR was lodged at the instance of his late father and that he has entered into a compromise wholly voluntarily and without any coercion or undue influence, for the “betterment of both the parties”.

The report of the learned Magistrate further states that the son of the complainant further made a statement that he has no objection if the FIR against the accused persons is quashed and that they are acquitted of the offences alleged against them.

As per the complainants' son, no other person was aggrieved in the dispute initiated by his father, other than his father.

The complainants' son (Sukhdev Singh) is stated to have been identified by Sh. Tejinderpal Singh, Advocate, with a self attested photocopy of his Aadhaar Card also submitted to the Court of the learned Magistrate.

The statements of the petitioners are also stated to have been recorded by the learned Magistrate, to the effect that with the intervention of the respectables of the village, as also near relatives, the compromise was effected, without any coercion or undue influence.

Finally, as per assessment of the learned Magistrate, the compromise arrived at between the parties was genuine, voluntary, without any coercion or undue influence.

Other than the above, it is seen that as a matter of fact the offence alleged to have been committed was in the year 1998, which is recorded as one punishable under Section 171-A of the IPC (which is actually a provision simply defining a 'candidate' and the phrase 'electoral right', in relation to offences pertaining to elections).

A perusal of the FIR shows that what was probably intended to be termed as an offence, was bribes alleged to have been given during Panchayat Elections to voters, and as such, if at all any offence was eventually proved, it would be an offence punishable under Section 171-E of the IPC and not 171-A.

Be that as it may, the complaint in respect of the alleged 'electoral offence' having remained pending without even proceeding beyond the investigation stage for the past 20 years, with not even a report under Section 173 Cr.P.C. having been submitted to the competent court and the matter now finally settled by the late complainants' son, the complainant himself obviously not having pursued his complaint to the police in earnest during his lifetime, with one of the accused having also died, I do not see any reason to not allow this petition.

Consequently, the petition is allowed and FIR No.29, dated 21.06.1998, registered against the petitioners at Police Station Nihal Singh Wala, District Moga, along with all proceedings emanating therefrom, is

hereby quashed.

01.05.2018
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: Yes