

CRM-M-17394-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17394-2016

Date of Decision: 14th February, 2018

Balkar Singh @ Lal Singh @ Lalli

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sarbjit Singh, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

None for respondents No.2 to 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.29 dated 12.02.2010, under Sections 419 and 420 of the Indian Penal Code, registered at Police Station Jandiala, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom, in the light of the compromise/affidavits dated 03.03.2016 (Annexures P-2 to P-5) entered into between the petitioner and respondents No.2 to 4.

The case came up for hearing on 06.09.2016 after issuance of notice of motion, when following order was passed:-

“In the light of contentions that the parties have since then effected compromise, they are directed to put

in appearance before the Illaqa Magistrate, Police Station Jandiala, District Amritsar within 15 days from today to record their statements and the Illaqa Magistrate shall make report as to its satisfaction and submit it back before the next date of hearing. The Magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 1st December, 2016.”

In compliance with the above order passed by this Court, parties had appeared before the Judicial Magistrate First Class, Amritsar, on 16.09.2016 and got recorded their statements, wherein, they stated that a compromise has been entered into between them. After recording the statements, the Judicial Magistrate First Class, Amritsar, has submitted its report, according to which, compromise arrived at between the parties is voluntary and without any coercion or pressure. Further, the petitioner is the single accused and has not been declared a proclaimed offender.

Learned counsel for the petitioner has also brought to the notice of the Court the order dated 24.07.2017, passed in CRM-M-15232-2016, titled as 'Lakha Singh & others Vs. State of Punjab & another', wherein, FIR No.55 dated 22.03.2013, under Sections 448, 427, 147 and 149 of the Indian Penal Code, pertaining to police station Jandiala Guru, District Amritsar, stands quashed, which FIR found mentioned in para 6 of the compromise dated 03.03.2016 (Annexure P-2)

It has been stated that complainant Sham Singh, unfortunately

died during the pendency of the FIR and the petitioner has entered into a compromise with the legal representatives of deceased Sham Singh (complainant), who are respondents No.2 to 4. These respondents have categorically stated before the Court below that the compromise has been arrived at between them and the petitioner with the help of respectable persons and relatives. Perusal of the compromise would further indicate that it would bring to end various cases and litigations, which are pending between them.

In view of the report of the learned Judicial Magistrate First Class, Amritsar and keeping in view the fact that the parties have amicably resolved the dispute, further continuation of the proceedings in pursuance to the FIR in question would not be justified and mere wastage of the precious time and energy of Judiciary. In the light of these facts and circumstances, the interest of justice would be duly served by putting an end to the dispute between the parties especially when they have compromised the matter, which is pending in the Court. The Hon'ble Supreme Court in ***Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482*** and the Full Bench of this Court in ***Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052***, lay down the ratio that the amicable settlement between the parties should be encouraged when the parties have amicably resolved their dispute, which is primarily personal in nature.

Keeping in view the ratio of the above judgments and the facts and circumstances of the present case, the present petition is allowed. FIR

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No.29 dated 12.02.2010, under Sections 419 and 420 of the Indian Penal Code, registered at Police Station Jandiala, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed.

14th February, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No