

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-9281-2018 (O&M)

Date of Decision:- 17.7.2018

Barinder Singh @ Varinder Pal Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karanjeet Singh Brar, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

Petitioner, Barinder Singh @ Varinder Pal Singh has filed this petition (second petition) for quashing of FIR No. 126 dated 18.9.2015, under Sections 452, 323, 148, 149, 326 IPC, Police Station Khamano, District Fatehgarh Sahib on the ground that the matter stands settled vide compromise dated 21.12.2017.

Record of an earlier petition filed by Harmandeep Singh and others has also been annexed, a perusal of which shows that the said petition was also filed for quashing the same FIR i.e. FIR No. 126 dated 18.9.2015, under Sections 452, 323, 148, 149, 326 IPC, Police Station Khamano, District Fatehgarh Sahib, which was quashed qua the petitioner of that case on the basis of the compromise having been effected amongst the parties.

The operative portion of order dated 18.7.2017 passed in CRM-M-13191 of 2016 reads as follows:

“9. In view of the above, the instant petition is accepted. Consequently, the impugned FIR No.126 dated 18.9.2015, under Sections 452, 323, 148, 149, 326 IPC, registered at Police Station Khamano, District Fatehgarh Sahib and all other consequent proceedings arising thereto are hereby quashed, on the basis of compromise, qua the petitioners only.”

Though, a perusal of the aforesaid operative portion reveals that the aforesaid FIR was quashed qua the petitioners only but a perusal of the array of parties in the earlier petition shows that Barinder Singh son of Mahinder Singh resident of Village Maanupur, Tehsil Samrala, District Ludhiana was arrayed as petitioner No.3. It has been stated at bar that the necessity to file the present petition arose because Barinder Singh is also known as Varinder Pal Singh and that in the FIR his name was mentioned as Varinder Pal Singh. He has further stated at bar that in fact his father's name was mentioned incorrectly in the earlier petition as Mahinder Singh instead of Bhinder Singh.

Though, notice of motion had not been issued in this case but somehow ASI Parjinder Singh is present in the Court along with police file.

Notice of motion to State of Punjab.

Upon request made by this Court, Mr. A.S.Sandhu, Addl. A.G. Punjab accepts notice on behalf of State of Punjab.

Learned State counsel, on instructions from ASI Parjinder Singh has stated that in fact Barinder Singh also known as Varinder Pal singh and that correct parentage is Bhinder Singh.

In view of the aforesaid position it is evident that petitioner No.3 is mentioned in CRM-13191 of 2016 is none else but the present petitioner i.e. Barinder Singh alias Varinder Pal Singh. Consequently, this petition is disposed of with a clarification that the proceedings qua the present petitioner already stand quashed vide judgment dated 18.7.2017 passed in CRM-M-13191 of 2016. Consequently, no proceedings on the basis of the FIR in question are required to be carried on against the present petitioner.

Since I find that the petitioner had been negligent in mentioning his other name and had mentioned incorrect parentage, the petitioner is directed to pay ₹10,000/- as costs, in High Court Legal Services Committee within one month from today.

July 17, 2018
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(Gurvinder Singh Gill)
Judge

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