

CRM-M-518-2020

Date of Decision: 24.11.2021

Gurpreet Singh alias Nona**.....Petitioner****Vs.****State of Punjab and others****.....Respondents****CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Nirmaljeet Singh Sidhu, Advocate, for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

Mr. Tejwinder Singh Hundal, Advocate,
for respondents no. 2 and 3.

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed seeking quashing, on the basis of a compromise arrived at between the petitioner and respondents no.2 and 3, of FIR no.83, dated 06.05.2016 (as also all other subsequent proceedings arising therefrom), registered at Police Station Nathana, Bathinda, for the alleged commission of offences punishable under Sections 353, 332, 186, 34 of the IPC, (with Section 333 of the IPC added later). A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Pursuant to the order of this court dated 09.01.2020, the report of the learned Judicial Magistrate Ist Class Bathinda, dated 21.01.2020, had been received, stating therein that the complainant in the FIR, i.e. respondent no. 2 Gurcharan Singh, appeared before that court along with respondent no. 3 Gurdev Singh, and the petitioner, with Gurcharan Singh and Gurdev Singh both having stated that they do not wish to pursue criminal proceedings against the petitioner, i.e. Gurpreet Singh @ Nona.

However, this court had observed as follows in the order dated 07.09.2021:-

XXXX XXXX XXXX XXXX

“However, a perusal of the FIR shows that Partap Singh son of Gurjant Singh and Baljinder Singh son of Lachman Singh are the persons who have actually been named, who allegedly came to the waterworks where the complainant was working, armed with dangs (sticks) and allegedly attacked the complainant while he was lying on a cot, with Gurdev Singh having tried to save him.

Counsel for the petitioner submits that a compromise has been effected only with the petitioner, he being the other person, who though unnamed in the FIR, was subsequently named and added as an accused therein.

Counsel for the parties would address arguments as to how the FIR can be quashed piecemeal, because in the opinion of this court, prima facie at least at this stage, quashing it qua one accused may diminish the evidentiary value of the evidence led qua the remaining accused.

For that purpose, adjourned to 01.10.2021.

XXXX XXXX XXXX XXXX

The matter having been adjourned from time to time thereafter, today learned counsel for the petitioner relies upon two orders of this court in CRM-M-40124-2013 and CRM-M-16656-2013, decided on 17.01.2014 and 31.10.2014, respectively.

However, a perusal of the said orders show that in neither case has it been specifically stated that there were other persons also accused in the FIRs in question in those cases, with whom the complainant in those FIRs had not compromised the matter.

Be that as it may, the only two persons affected by the occurrence, at least as per a reading of the FIR, with that also not specifically denied by learned counsel for the State on instructions, are respondents no. 2 and 3.

Therefore, with counsel appearing for them submitting that the said respondents have no grievance against the petitioner at all and have no objection to the FIR in question being quashed, without making any comment on the actual merits of the case as regards the remaining accused, and specifically as the petitioner has not been named in the FIR itself, the petition is allowed and FIR No. 83, dated 06.05.2016, registered at Police Station Nathana, District Bathinda, for the alleged commission of offences punishable under the provisions of Sections 353/333/332/186/34 of the IPC, (with Section 333 thereof having been added later), along with all proceedings emanating therefrom, is hereby quashed, qua the petitioner only.

November 24, 2021

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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No.