

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-1534 of 2020

Date of decision:25.11.2021

Manjot Singh and others

...Petitioners

versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Gurmeet Singh, Advocate,
for the petitioners
Mr.Rana Harjasdeep Singh, DAG, Punjab
Mr.Nirmaljit Singh, Advocate,
for respondents no.2 to 6
...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioners seek quashing of FIR no.260 dated 4.12.2019, registered at Police Station Sadar, Police District Khanna, for the alleged commission of offences punishable under Sections 406/420/120-B of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondents no.2 to 6. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

On 26.7.2021 the following order was recorded by this court:-

“Case heard via video conference.

Pursuant to the order dated 26.03.2021 a report from

the learned JMIC, Khanna, dated 25.05.2021, is on record, stating to the effect that the 'complainants', i.e. respondents no.2 to 6 herein, as also the 9 petitioners (petitioner no.9 Satnam Singh through his attorney, Navraj Singh), all appeared before that court, with respondents no. 2 to 6 having recorded their statements to the effect that they have compromised the matter with each other(with their identities stated to have been duly established by that court).

As per the assessment of that court, the compromise arrived at between the parties was genuine and voluntary.

However, it has also been further stated that another person involved in the occurrence is one Himmat Singh son of Didar Singh, who was of the “complainant party” but who is not a party to the present petition and whose consent in respect of the compromise would be required.

As regards any other criminal cases registered against the petitioners, it has been stated that one criminal case by way of FIR no.141 of 2019 stands registered against petitioner no.8 Hardeep Singh alias Honey Rosha, at Police Station City Khanna, alleging therein the commission of an offence punishable under the provisions of Section 307 of the IPC, but as regards the other petitioners they have no criminal antecedents.

Mr. Sidhu, learned counsel for appearing for

respondents no.2 to 6, as also learned counsel for the petitioners, both submit that in fact even the aforesaid Himmat Singh is ready to get his statement recorded through his attorney in respect of the compromise reached between the parties, he himself not being present in India, but being a resident of Winnipeg, Canada.

That being so, the statement of the aforesaid Himmat Singh (through his attorney), be also recorded in terms of any compromise reached between him with the petitioners; with the learned Area Magistrate/trial court to of course fully satisfy itself as regards the genuineness of the power of attorney presented before it.

That court would thereafter send its report with regard to any such statement recorded, as also its opinion as regard to the genuineness of that instrument.

It is made clear that if the instrument is one executed in India, proof will have to be given before that court to show that the said Himmat Singh was actually present in India at the time of its execution.

Adjourned to 30.09.2021.”

Thereafter, another report of the learned JMIC, Khanna, dated 15.9.2021, has been received, stating that Himmat Singh son of Didar Singh, appeared in person before that court and recorded his statement to the effect that he had voluntarily compromised the matter with the accused

in the FIR, with the assessment of that court being that the compromise arrived at between the parties is on their own will and further that the power of attorney executed by Himmat Singh (though immaterial since he appeared himself) was also genuine; and with Himmat Singh having been identified through his passport, as also on the statement of his counsel before that court.

As regards the other persons affected by the occurrence, i.e. respondents no.2 to 6, it had already been recorded in the order dated 26.7.2021, reproduced herein above, that they too had made similar statements and that the learned JMIC was satisfied that the compromise arrived at between the parties was genuine and voluntary.

Learned State counsel points to the fact that as per the reply filed on behalf of the respondent-State, petitioner no.8, Hardeep Singh @ Honey Rosha, has another criminal case registered against him, alleging therein the commission of an offence punishable under Section 307 of the IPC but as regards the other petitioners, there is no criminal case registered against them.

That being so, with the allegations against the petitioners in the context of the FIR in question being the commission of offences punishable under Sections 406/420/120-B of the IPC and the matter having been amicably settled between the parties, I see no reason to not allow this petition, which is consequently allowed and FIR no.260 dated 4.12.2019, registered at Police Station Sadar, Police District Khanna, for the alleged commission of offences punishable under Sections 406/420/120-B of the

IPC, as also all other subsequent proceedings arising therefrom, is hereby quashed.

25.11.2021
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No