

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-16472 of 2018 (O&M)
Date of decision:27.08.2021

Malkeet Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gursimran Singh Bhatia, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Sanjeev Kumar Banga, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.2914 of 2019

Prayer in the application is for impleading Sukhwinder Singh
son of Aroor Singh as petitioner No.16.

Heard.

On 11.10.2018, this Court passed the following order:-

*“The present petition was filed seeking quashing of the FIR on
the basis of the compromise. Amended memo of parties was
filed in which 15 persons were impleaded as petitioners.
However, the report of the Court below shows that there are 16*

accused in the present FIR.

Counsel for the petitioners submits that although the 16th person, namely, Sukhwinder Singh S/o Aroor Singh is an accused in the case but he not been arrayed as petitioner in this petition. However, even his statement has been recorded before the Court below qua the compromise.

Accordingly, learned counsel for the petitioners prays for time to amend the memo of parties again; so as to include the 16th accused also as the petitioner in the present petition.

Adjourned to 27.11.2018.

In the meantime, counsel for the petitioners may move the necessary application for placing on record the amended memo of parties.”

Thereafter, instant application was filed by the counsel for the petitioners on which notice was issued by this Court on 04.02.2019.

The application has not been contested by the respondents.

For the reasons given, the application is allowed. Sukhwinder Singh son of Aroor Singh is impleaded as petitioner No.16.

Amended Memo of Parties is taken on record.

CRM-M-16472 of 2018 (O&M)

Counsel for the petitioners submits that FIR (Annexure P-1) was registered on account of altercation between the parties, which was fallout of an agreement to sell between them, which did not mature. He submits that dispute between the parties is purely private in nature and has

now been settled by virtue of compromise (Annexure P-2). He submits that pursuant to the order passed by this Court, the statements of the parties have been recorded in support of the compromise.

While issuing notice of petition, this Court passed the following order in the main petition on 18.05.2018:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.13, dated 11.03.2016, registered under Sections 307, 326, 324, 323, 148 and 149 of the IPC, at Police Station Chola Sahib, District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom on the basis of a compromise dated 08.04.2018 (Annexure P-2) arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Dhruv Dayal, Sr. DAG, Punjab accepts notice on behalf of respondent No.1. Counsel for the petitioners undertakes to hand over a copy of the petition to him during the course of the day.

Mr. Sanjeev Kumar, Advocate, accepts notice on behalf of respondents No.2 and 3 and files his Power of Attorney. He acknowledges the factum of compromise 08.04.2018 (Annexure P-2) arrived at between the parties. He states that complainant-Nishan Singh and injured-Jasbir Singh have no objection to the quashing of the FIR in question along with all consequential proceedings arising therefrom as the matter has

been resolved amicably.

Counsel for the petitioners as also respondents No.2 and 3 inform the Court that the next date of hearing before the Additional Sessions Judge, Tarn Taran, is 25.05.2018, on which date, parties will appear before the trial Court and get recorded their respective statements with reference to the compromise entered into between them. Counsel for the petitioners points out that petitioner No.9 was juvenile at the time of commission of offence and his trial is going on separately.

*The parties are directed to appear before the Additional Sessions Judge, Tarn Taran, where the trial is going on, on **25.05.2018** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court. Petitioner No.9 will also appear before the Additional Sessions Judge, Tarn Taran, for giving his statement.*

The Additional Sessions Judge, Tarn Taran, is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any*

manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

To come up on 11.10.2018.

Copy of this order be sent to the Additional Sessions Judge, Tarn Taran, concerned for information and compliance.

In compliance thereto, a report has been received from the trial Court, the relevant extract of which is as under:-

“1. In response to para No.1 of the requisite information, it is submitted that statements of the parties i.e. all the accused and victims, complainant and injured were recorded. It seems that the statements are bonafide and are not result of any pressure and coercion etc. in any manner.

2. In response to para no.2, it seems that the compromise effected between the parties is genuine and valid.

3. In response to para no.3, it is submitted that IO of the present FIR namely ASI Parkash Singh was called and his

statement was recorded. In his statement he has stated that there is no other victim and injured involved in the present case/dispute except the persons mentioned in the operative part of the charge sheet, who are party to the compromise This face (sic fact) has also been acknowledged by learned APP and learned defence counsel as well as born (sic borne) out of record.

4. In response to para no.4, it is stated that as per the statement of IO of the present case namely ASI Parkash Singh one of the accused namely Sukhwinder Singh son of Aroor Singh is facing another case bearing FIR No.47 dated 01.04.2018 under Sections 379-B, 323, 34 IPC, registered at P.S.Goindwal Sahib and in the said case investigation is still going on.

5. In response to para No.5, it is submitted that as per the statement of ASI Parkash Singh, the IO of present case no person involved in this case/dispute has been declared PO by any Court of law.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire

dispute. A Full Bench of this Court in case *Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052* and Division Bench of this Court in case *Sube Singh and another vs. State of Haryana and another, 2013(4) RCR (Criminal) 102* held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the petitioners and private respondents are also *ad idem* that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. No response has been filed by the State-respondent No.1. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.13 dated 11.03.2016 registered under Sections 307, 326, 324, 323, 148 and 149 of Indian Penal Code, 1860 at Police Station Chola Sahib, District Tarn Taran (Annexure P-1) is quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

August 27, 2021

savita

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes