

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120-2)

CRM-M-12965-2021 (O&M)

Date of Decision: 13.10.2021

Harjit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anil Kumar Ranolia, Advocate
for the applicants-petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab
for State-respondent No.1.

Mr. Manoj Kumar Sharma, Advocate
for complainant-respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

CRM-27561-2021

Prayer made in the application is for preponement of the hearing
of main case, which is fixed for 03.11.2021.

Noticing the prayer made in the application, it is allowed. The
hearing of the main case is preponed to today and it is ordered to be taken
on Board.

CRM-M-12965-2021

On 19.03.2021, this Court passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Prayer in this petition is for quashing the Criminal Complaint No.942 dated 23.07.2014 under Sections 325, 323, 452, 506, 148, 149 IPC registered at Police Station Dera Baba Nanak, District Batala, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 13.03.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that the complaint is a result of dispute amongst brothers, which has been resulted (sic resolved) by virtue of a compromise, Annexure P-3. He has referred to Para 7 of the petition to submit that none of the petitioners have been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State and Mr. Manoj Kumar Sharma, Advocate accepts notice on behalf of the complainant/respondent

No.2. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 24.03.2021 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

1. The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;

2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;

3. the stage of trial/proceedings;

4. if the compromise is genuine, voluntary and out of free will of the parties.

5. Whether any other criminal case is pending against the accused.

Report of Illaqa Magistrate/trial Court be awaited for 05.08.2021.”

After recording statements of the accused-petitioners, complainant-respondent No.2 and Investigating Officer, the Judicial Magistrate Ist Class, Batala has submitted the report, relevant extract of which is as under:-

“(i) The present complaint has been filed by Jagir Singh against four persons namely Harjit Singh son of Jhanda Singh, Gagandeep Singh son of Harjit Singh & Daljit Kaur wife of Harjit Singh and Gurjit Singh son of Jhanda Singh, all residents of Village Motla, Tehsil Batala, District Gurdaspur. As per the report of Ahlmad attached to the court of the undersigned the death certificate of Gurjit Singh son of Jhanda Singh dated 18.03.2018 is on judicial record and none of the accused/petitioners have been declared as proclaimed offenders/absconding.

(ii) The complaint has been filed by Jagir Singh son of Jhanda Singh, resident of village Motla, Tehsil Batala, District Gurdaspur and in view of the statement recorded by the Learned Duty Magistrate on 3.05.2021 he has appeared and made his statement in support of compromise with the accused/petitioners.

(iii) The present case is at the stage of post-charge evidence of the complaint.

(iv) In view of the statements got recorded by both the

parties before the Learned Duty Magistrate Batala on 03.05.2021, the undersigned is satisfied that the compromise effected between them is genuine, voluntary and out of free will of the parties.

(v) In view of the statement got recorded by ASI Sakattar Singh No.2697 that he has brought the record pertaining to FIR No.108 dated 16.10.2019 under Sections 452, 323, 324, 148, 149 of IPC P.S. Dera Baba Nanak and that in the said FIR accused/petitioners namely Harjit Singh son of Jhanda Singh, Gagandeep Singh son of Ranjit Singh and Daljit Kaur wife of Harjit Singh have been arrayed as accused and that no other criminal case are (sic is) pending against the accused/petitioners except the FIR bearing No.108 dated 16.10.2019, under Sections 452, 323, 324, 148, 149 of IPC P.S. Dera Baba Nanak.”

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* has 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 parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. Criminal Complaint No.942 dated 23.07.2014 (Annexure P-1) titled as Jagir Singh Versus Harjit Singh and others, for offences under Sections 325, 323, 452, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Dera Baba Nanak, District Batala, which is pending in the Court of JMIC, Batala alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

13.10.2021

Pardeep

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No