

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(120-1)

CRM-M-12735-2021 (O&M)

Date of Decision: 13.10.2021

Jagir Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Manoj K. Sharma, Advocate
for the applicants-petitioners.

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

Mr. Anil Kumar Ranolia, Advocate
for complainant-respondent No.2.

...

SUVIR SEHGAL, J. (Oral)
CRM-27557-2021

Prayer 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-12735-2021

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.07 dated 29.02.2016 under Sections 323, 452, 295, 148, 149, 326 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 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. Counsel for the petitioners further submits that though the complaint has been filed under Section 295 IPC, besides other criminal provisions but there is no allegation regarding defiling of place of worship.

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. Anil Kumar Ranolia, 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) Six persons have been arrayed as accused in the present complaint namely Jagir Singh son of Jhanda Singh, Sharanjit Singh @ Sarabjit Singh son of Jagir Singh, Paramjit Singh son of Jagir Singh, Jaspreet Kaur wife of Paramjit Singh, Baljinder Kaur wife of Sharanjit Singh, all residents of Village Motla, Tehsil Batala, District Gurdaspur & Balwinder Singh son of Jarnail Singh, resident of Village Chakanwali, Dera Baba Nanak, Batala, District Gurdaspur as per the report of Ahlmad. Perusal of the file reveals that criminal complaint has been filed by Harjit Singh against the six persons above mentioned under Sections 326, 323, 452, 506, 295, 148, 149 of IPC. Further, vide order dated 18.10.2018 passed by the Learned Judicial Magistrate Batala, the six persons above mentioned have been summoned under Section 323, 452, 506, 295, 148, 149 IPC and perusal of zimni order dated 05.03.2020 reveals that charge against the accused persons/petitioners was framed under Sections 323, 452, 506, 295, 148 and 149, IPC. As per the report of Ahlmad, none of accused have been declared as P.O./absconding in the present case.

(ii) The complaint has been filed by Harjit Singh against Jagir Singh son of Jhanda Singh, Sharanjit Singh @ Sarabjit Singh son of Jagir Singh, Paramjit Singh son of Jagir Singh, Jaspreet Kaur wife of Paramjit Singh,

Baljinder Kaur wife of Sharanjit Singh all residents of village Motla, Tehsil Batala, District Gurdaspur and Balwinder Singh son of Jarnail Singh, resident of village Chakanwali, Dera Baba Nanak, Batala, District Gurdaspur. Complainant Harjit Singh and the accused/persons above mentioned have got recorded their statements before the Learned Duty Magistrate Batala on 03.05.2021.

(iii) Perusal of the file reveals that the present complaint case is at the stage of post charge evidence of the complainant.

(iv) In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, voluntary and out of free will of the parties.

(v) In view of statement of ASI Sakattar Singh No.2697/Btl, no other criminal case is/are pending against any of the accused.”

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.07 dated 29.02.2016 (Annexure P-1) titled as Harjit Singh Versus Jagir Singh and others, for offences under Sections 323, 452, 295, 148, 149 and 326 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