

CRM-23609-2021 in/and
CRM-M-16489-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(217)

CRM-23609-2021 in/and
CRM-M-16489-2021
Date of decision: - 12.11.2021

Gurpreet Singh and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Naresh Jain, Advocate, for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Pavitterdeep Singh Bhinder, Advocate
for respondents No.2 and 3.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-23609-2021

Present application has been filed for preponing the date of
hearing in the main petition, which is fixed for 07.02.2022.

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the
proceedings through video conference, accepts notice on behalf of
respondent-State and Mr. Pavitterdeep Singh Bhinder, Advocate accepts
notice on behalf of respondents No.2 & 3 and raises no objection for the
grant of prayer as made in the application for preponing the date of
hearing in the main petition.

Keeping in view the joint request of the parties, date of hearing in main petition is preponed from 07.02.2022 to today and the case is taken up for hearing.

CRM-M-16489-2021

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.96 dated 06.05.2019, registered under Sections 323, 341, 307, 506, 148, 149 and 188 of the IPC and Section 25 of the Arms Act, 1959, at Police Station Patran, District Patiala as well as all the subsequent proceedings arising out of the same, keeping in view the compromise dated 01.01.2021 (Annexure P-2), which has been entered into between the parties.

While issuing notice of motion on 20.04.2021, a Coordinate Bench of this Court had passed the following order :-

“This is a petition that has been filed seeking quashing of FIR No.96 dated 06.05.2019 under Sections 323, 341, 307, 506, 148, 149, 188 IPC and Section 25 of Arms Act registered at Police Station Patran, District Patiala on the basis that a compromise has been entered into between the parties.

Notice of motion.

At this stage, Mr. Bhupinder Beniwal, AAG, Punjab and Mr. Pavitterdeep Singh Bhinder, Advocate who are present through the medium of video conferencing, accept notice on behalf of respondent-State and respondent No.2 & 3 respectively. Counsel for respondent No.2 & 3 admits to the factum of compromise.

Both the parties are in agreement that Section 307 IPC stands deleted.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate on 20.05.2021 or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements

regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 20.07.2021.

A copy of the order be sent to learned trial Court/Illaq Magistrate through fax for compliance.

Counsel for the respondent-State shall inform the Court on the next date of hearing as to whether Section 307 IPC stands deleted.”

A report has come from the Judicial Magistrate 1st Class, Samana, addressed to the Registrar General of this Court dated 16.07.2021 along with the statements of the accused-petitioners as well as the complainant, which have been recorded. The relevant part of said report is as under: -

“Complainant Harpuneet Singh son of Sh. Surinderpal Singh, resident of Shutrana, Tehsil Patran, District Patiala made statement to the effect that he got registered FIR No. 96 dated 06.05.2019 under sections 323, 341, 307, 506, 148, 149, 188 of Indian Penal Code & Section 25 of Arms Act. Police Station Patran against accused Gurpreet Singh son of Jaswinder Singh, Harcharan Singh son of Sh. Pritam Singh, Gurlal Sharma alias Gurial Singh son of Sh. Kartara Singh, Billa Singh alias Sehajpal Singh son of Sh. Angrej Singh, Daler Singh son of Sh. Gurpreet Singh, all residents of village Durtal, Tehsil Patran, District Patiala, Varinder Singh son of Sh. Sher Singh, Kulwindem Singh alias Mand alias Palwinder Singh son of Sh. Baljinder Singh both residents of village Shutrana, Tehsil Patran, District Patiala, Gurvir Singh alias Jantta son of Sh. Tajinder Singh, resident of Cycle Wala Chowk, village Shutrana, Tehsil Patran, District Patiala, Ashwani Kumar son of Sh. Jagdish Kumar, resident of village Shutrana, Tehsil Patran, District Patiala. Billa Singh alias Jobandeep Singh alias Jobanpreet Singh son of Sh. Harpal Singh, resident of village Jogewala, Tehsil Patran, District Patiala, Charanjit

Singh son of Sh. Kuldeep Singh, resident of village Burar, Daftriwala, Tehsil Patran, District Patiala and Sandeep Singh alias Sony son of Sh. Sukhwant Singh, resident of village Chhabilpur, Kalbano, Tehsil Patran, District Patiala. He further stated that now the matter has been compromised with the above-said accused persons with the intervention of respectables and accused have filed quashing petition CRM-M No.16489 of 2021 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing the FIR No.96 dated 06.05.2019 under Sections 323, 341, 307, 506, 148, 149, 188 of Indian Penal Code & Section 25 of Arms Act, Police Station Patran, District Patiala. He further stated that the said compromise is legal, genuine and voluntarily effected with his free consent and with the free consent of his brother Princepal Singh without any kind of pressure, force, threat, coercion or undue influence from any quarter. He further stated that now he has no grudge against accused persons and he has not objection if the present FIR is quashed against the above said accused persons. He further stated that this FIR was registered against twelve above named accused persons by name and against one unknown person and the said unknown person has not been ascertained so far. He also stated that they have compromised the matter with all the above named twelve accused and all the accused are present in the Court and he identified all the accused present in the court. He further stated that none of the accused has been declared as Proclaimed Offender/person, nor any proclamation proceedings are pending against any accused. He further stated that even he has not declared as Proclaimed Offender/person, nor any proclamation proceedings are pending against him. He also produced copy of his identity proof as Ex.C1. He was also identified by his counsel Kashmir Chumber, Advocate.

Similarly, statement of injured Princepal Singh son of Sh. Surinderpal Singh, resident of village Shutrana, Tehsil Patran, District Patiala. has also been recorded and he stated that his brother got registered above-said FIR No.96 dated 06.05.2019 under Sections 323, 341, 307, 506, 148, 149, 188 of Indian Penal Code & Section 25 of Arms Act, Police Station Patran against accused Gurpreet Singh son of Jaswinder Singh, Harcharan Singh son of Sh. Pritam Singh, Gurial Sharma alias Gurial Singh son of Sh. Kartara Singh, Billa Singh alias

Sehajpal Singh son of Sh. Angrej Singh, Daler Singh son of Sh. Gurpreet Singh, all residents of village Duttal, Tehsil Patran. District Patiala, Varinder Singh son of Sh. Sher Singh, Kulwinder Singh alias Mand alias Palwinder Singh son of Sh. Baljinder Singh, both residents of village Shutrana, Tehsil Patran, District Patiala, Gurvir Singh alias Jantta son of Sh. Tajinder Singh, resident of Cycle Wala Chowkn, village Shutrana, Tehsil Patran, District Patiala, Ashwani Kumar son of Sh. Jagdish Kumar, resident of village Shutrana, Tehsil Patran, District Patiala, Billa Singh alias Jobandeep Singh alias Jobanpreet Singh son of Sh. Harpal Singh, resident of village Jogewala, Tehsil Patran, District Patiala, Charanjit Singh son of Sh. Kuldeep Singh, resident of village Burar, Daftriwala, Tehsil Patran, District Patiala and Sandeep Singh alias Sony son of Sh. Sukhwant Singh, resident of village Chhabilpur, Kalbano, Tehsil Patran, District Patiala. He further stated that now the matter has been compromised with the abovesaid accused persons with the intervention of respectables and accused have filed quashing petition CRM-M No.16489 of 2021 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing the FIR No. 96 dated 06.05.2019 under Sections 323, 341, 307, 506, 148, 149, 188 of Indian Penal Code & Section 25 of Arms Act, Police Station Patran, District Patiala. He also stated that the said compromise is legal. genuine and voluntarily effected with his free consent and with the free consent of his brother Harunpreet Singh without any kind of pressure, force, threat, coercion or undue influence from any quarter. He also stated that now he has no grudge against accused persons and he has no objection if the present FIR is quashed against the above said accused persons. He further stated that this FIR was registered against twelve above named accused persons by name and against one unknown person and the said unknown person has not been ascertained so far. He also stated that they have compromised the matter with all the above named twelve accused. He further stated that all the accused are present in the Court and he also identified all the accused persons present in the Court. He further stated that none of the accused has been declared as Proclaimed Offender/person, nor any proclamation proceedings are pending against any accused. He also stated that even he has not been declared as Proclaimed Offender/person, nor any

proclamation proceedings are pending against him. He also produced copy of his identity proof as Ex-C-2. He was also identified by his counsel Sh. Kashmir Singh Chumber. Advocate.

Statements of accused persons namely Gurpreet Singh son of Jaswinder Singh, Harcharan Singh son of Sh. Pritam Singh, Gurlal Sharma alias Gurlal Singh son of Sh. Kartara Singh, Billa Singh alias Sehajpal Singh son of Sh. Angrej Singh, Daler Singh son of Sh. Gurpreet Singh, all residents of village Duttal, Tehsil Patran, District Patiala, Varinder Singh son of Sh. Sher Singh, Kulwinder Singh alias Mand alias Palwinder Singh son Sh. Baljinder Singh, residents of village Shutrana, Patran, District Patiala, Gurvir Jantra son Sh. Tajinder Singh, resident Cycle Wala Chowk. village Tehsil Patran, District Patiala, Ashwani Kumar son Sh. Jagdish Kumar, Shutrana, Tehsil Patran, District Patiala, Billa Singh alias Jobandeep Singh son Harpal Singh. resident village Jogewala, Tehsil Patran, District Singh Sh. Kuldeep Singh, resident village Burar, Daftriwala, Tehsil Patran, District Patiala and Sandeep alias Sony Singh, resident village Chhabilpur, Kalbano, Tehsil Patran, District Patiala recorded they stated matter has been compromised with complainant with intervention respectables of the society they filed quashing petition CRM-M No.16489 of before the Hon'ble Haryana High Court Chandigarh for quashing FIR No. 96 dated 06.05.2019 under sections 323, 341, 506, 148, 149, of Indian Penal Section 25 Act, Police Station They stated that the voluntarily and amicably compromised with the complainant compromise is and arrived with free consent coercion, threat, undue influence and inducement any quarter. stated that present FIR was registered twelve accused them by and one unknown person. They they not been declared proclaimed offenders nor proclamation proceedings pending them. They also produced copies their identity Ex.C3 to respectively. They were also identified by counsel Ghuman, Advocate.

Even statement of ASI Jaswinder Singh no. 953/PTL, posted at P.S. Patran has also been recorded and he stated that he has brought the record of this FIR No. 96 dated 06.05.2019 under sections 323, 341, 307, 506, 148, 149, 188 of Indian Penal Code & 25 of Arms Act, Police Station Patran and he is conversant with the facts of this case.

He also stated that this FIR was registered against twelve accused persons by name and against one unknown person. He further stated that none of the parties of this FIR have been declared as Proclaimed Offender nor any proclamation proceedings are pending against any of the parties.

After going through the statements given by complainant, injured, accused persons and ASI Jaswinder Singh in the Court, the following report as desired by the Hon'ble High Court is submitted:

Compromise between the parties is valid and genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter.

ii) No PO proceedings are pending against any of the party nor any party has been declared as proclaimed offender.

This report along with statements of parties and annexures is submitted as desired by the Hon'ble High Court vide its order dated 20.04.2021.”

Learned counsel for the petitioners submits that the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR alive.

Learned counsel for respondents No.2 and 3 admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Samana and do not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel submits that in the present FIR, as Sections 307, 148 & 188 IPC and Section 25 of the Arms Act, have already been deleted by the learned trial Court, vide order dated 16.08.2019, he has no objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances, which have been mentioned hereinbefore and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused persons, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.96 dated 06.05.2019, registered under Sections 323, 341, 307, 506, 148, 149 and 188 of the IPC and Section 25 of the Arms Act, 1959 (Sections 307, 148 & 188 of the IPC and Section 25 of the Arms Act, stands deleted, vide order dated 16.08.2019, by the learned trial Court), at Police Station Patran, District Patiala and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, subject to the cost of Rs.15,000/- to be paid by the petitioners in Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO-151-152, Sector 9-C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch, as the litigation generated by the petitioners has wasted precious time of not only this Court but also of the Court below.

(HARSIMRAN SINGH SETHI)
JUDGE

November 12, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No