

CRM-M-51840-2018
and
CRM-M-31378-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-51840-2018(O &M)
Date of decision:23.12.2021

SEWA KAUR

...petitioner

V/S

STATE OF PUNJAB AND ORS

...respondents

CRM-M-31378-2019(O & M)

GURPREET SINGH

...petitioner

V/S

STATE OF PUNJAB AND OTHERS

...respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr.H.P.S.Ghumman, Advocate
for the petitioners

Mr.Rana Harjasdeep Singh, DAG Punjab

None for respondents no.2 to 4

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

By these petitions, the petitioners seek quashing of FIR No.88 dated 20.11.2014 (Annexure P1), registered for the alleged commission of offences punishable under Sections 420 & 120-B of the IPC, at Police Station, Bhadson, Tehsil Nabha, District Patiala, on the basis of a compromise dated 18.04.2018, (copy Annexure P-2).

On 17.12.2021, the following order had been passed by this Court:-

Case heard by video conferencing.

By this petition, the petitioner seeks quashing of FIR No.88 dated 20.11.2014 (Annexure P1), (registered for the alleged commission of offences punishable under Sections 420 & 120-B of the IPC, at Police Station, Bhadson, Tehsil Nabha, District Patiala), on the basis of a compromise dated 18.4.2018, (copy Annexure P-2).

Pursuant to the orders of this court dated 24.07.2019 and thereafter on 08.10.2021, the report of the learned JMIC Nabha, dated 23.11.2021, has been received, stating therein that the LRs of respondent no.2 (Rajinder Pal Singh), i.e. Shanti Devi, AmarjeetKaur, TaranjeetKaur, Dharminder Singh and Jatinder Singh, all appeared before that court and stated that they have effected a compromise with the accused in the matter, i.e. Mohinder Singh @ Sony, JaswinderKaur, GurpreetKaur, SandeepKaur and Hardeep Singh @ Deep and that they have no objection if the FIR in question is quashed.

Similarly, the statements of the aforesaid five persons are also stated to have been recorded before that court, with the opinion of that court being that the compromise arrived at between the parties is of their free consent and without any undue coercion or influence.

Strangely, the name of the petitioners in these petitions, i.e. SewaKaur and Gurpreet Singh, is not mentioned at all in the report of the JMIC, but with it seen that the statements annexed with that report, are shown to be suffered by respondents no.2(i) to (v), stating that they have effected a compromise with the accused persons, i.e. SewaKaur and Gurpreet Singh.

To similar effect was the statement recorded of the petitioners, i.e. SewaKaur and Gurpreet Singh, as has also been annexed with the report.

Very obviously, the Magistrate has sent a report that is not completely in consonance with the statements sent along with the petition.

Though, otherwise I would see no reason to not quash the FIR on the basis of the statements as have been annexed with the report, yet quashing of an FIR being a serious matter, the Magistrate is directed to clarify immediately as to why there is a discrepancy in her report dated 23.11.2021 with the statements annexed along with that report (such statements shown to have been made on 18.11.2021).

Adjourned to 23.12.2021.

To be shown in the urgent motion list.

A photocopy of this order be placed in the file of the other connected case.

Today, a supplementary report dated 21.12.2021 has been received from the learned Judicial Magistrate First Class, Nabha, stating therein that the names of two accused, i.e. the petitioners in these two petitions, SewaKaur and Gurpreet Singh, were inadvertently not mentioned in the report earlier submitted by her (dated 23.11.2021), though the statements of SewaKaur and Gurpreet Singh were however annexed with the said report.

Therefore, it is stated in the supplementary report that in fact the matter had been compromised with the said two persons also (petitioners herein, by the complainant etc.).

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That also would seem to be so from the statement annexed with the earlier report of the learned JMIC, Nabha, such statement seen to have been made by respondents no.2 to 4, i.e. the legal heirs of respondent no.2, as also by respondents no.3 and 4(as was made before that court on18.11.2021).

That being so, looking at the nature of offences involved, with the matter having been amicably settled between the parties, the petitionsare allowed andFIR No.88 dated 20.11.2014 (copy Annexure P1), registered for the alleged commission of offences punishable under Sections 420 & 120-B of the IPC, at Police Station, Bhadson, Tehsil Nabha, District Patiala, along with all proceedings emanating therefrom, is hereby quashed.

A photocopy of the order be placed in the file of the other connected case.

(AMOL RATTAN SINGH)
JUDGE

23.12.2021
neenu

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No