

CRM-M-31729-2020

Date of Decision: 05.02.2021

Shamsher Singh @ Sher Singh and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gopal Singh Nahel, Advocate,
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Shagundee Brar, Advocate,
for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On 08.10.2020, the following order had been passed:-

“This petition has been filed seeking quashing of FIR no.123 dated 08.05.2017, registered at Police Station Tripri, District Patiala, alleging therein the commission of offences punishable under Sections 341, 505 of the IPC and Section 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (as also all other subsequent proceedings arising therefrom), on the basis of a compromise arrived at between the petitioners and respondent no.2. A copy of the compromise deed/affidavit has been annexed as Annexure P-2 with the petition.

Without making any comment at this stage on whether the FIR can be quashed or not considering the fact that the complainant is seen to be belonging to a poor strata of society, nevertheless notice of motion is issued to the respondents, with Mr. Ramdeep Partap

Singh, learned DAG, Punjab, accepting notice on behalf of respondent no.1, on the asking of the court.

Mr. Shagundeeep Singh, Advocate, Advocate appears and accepts notice on behalf of respondent no.2.

A copy of the petition be emailed to them during the course of the day.

Adjourned to 01.12.2020.

In the meanwhile, the petitioners, as also respondent no.2, would appear before the learned Area Magistrate/trial Court (as the case may be) up to 02.11.2020 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioners.

A gazetted officer is directed to file a reply to the petition, giving also his impression therein as to whether there is any undue pressure by the accused on the complainant to compromise the matter.”

Pursuant to the said order, the report of the learned Judicial Magistrate, Ist Class, Patiala, dated 23.10.2020, is on record, stating therein that the complainant in the FIR, i.e. respondent no. 2 herein, appeared before that court and recorded a statement to the effect that the matter has been

amicably settled between him and the petitioners, with the petitioners also having suffered a similar statement, except for petitioner no. 7 Parwinder Singh, who is stated to be residing in Canada.

Though offences punishable even under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are also alleged to have been committed, however, since even as per the assessment of the learned Magistrate, the compromise arrived at between the parties was genuine and of their own free will, with no other person involved in the occurrence except the parties to the present petition, I would see no purpose in continuing criminal proceedings against the petitioners.

Learned counsel appearing for respondent no. 2 before this court, also reaffirms that a compromise has been arrived at between the parties of their own free will.

That being so, also looking at the nature of offences involved, with the matter having been amicably settled between the parties, the petition is allowed and FIR No. 123 dated 08.05.2017, registered at Police Station Tripri, District Patiala, for the alleged commission of offences punishable under Sections 341 and 505 of the IPC and Sections 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, along with all proceedings emanating therefrom, is hereby quashed.

February 05, 2021
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.