

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CRM-M-34938-2019 (O&M)

Date of decision: 07.09.2021

Manpreet Singh alias Mana and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Kumar Walia, Advocate
for the applicants-petitioners.

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

Mr. Dharamvir Sharma, Advocate for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

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

CRM-20615-2021

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

CRM-M-34938-2019

Instant petition has been filed under Section 482 of the Code of
Criminal Procedure, 1973 seeking quashing of FIR No.10 dated 08.02.2012
under Sections 324, 148 and 149 of the Indian Penal Code, 1860 (Sections
326 and 34 were added later on), registered at Police Station Longowal,
District Sangrur, Annexure P-1, along with all subsequent proceedings
arising therefrom and judgment of conviction and order of sentence dated
16.02.2018 passed by Ld.ACJM, Sangrur, Annexure P-2, on the basis of
compromise dated 16.08.2019 (Annexure P-3).

Counsel for the petitioners submits that the FIR is an outcome of a misunderstanding between the parties, which has been resolved by virtue of compromise, Annexure P-3, and the parties as well as the Investigating Officer have appeared before the trial Court and got their statements recorded in support of the compromise.

Counsel for respondent No.2 has admitted the factum of compromise between the parties.

Heard.

While issuing notice of motion, this Court passed the following order on 27.08.2019:-

“Learned counsel refers to Annexure P-3 to contend that a compromise has been effected between the parties and prays for quashing of FIR No.10 dated 08.2.2012, under Sections 324, 148 and 149 IPC (later on Section 326/34 IPC added), registered at Police Station Longowal, District Sangrur (Annexure P-2).

Notice of motion for 19.11.2019.

At the asking of the Court, Mr. Hittan Nehra, Addl. A.G. Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned State counsel, in the Court.

At this stage, Mr. Rajinder Nain, Advocate causes representation on behalf of respondent No.2 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on 24.9.2019 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing containing the following information :-

- 1.Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3.Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.”

In compliance of above reproduced order, after recording the statements of the parties as well as the Investigating Officer, a report has been received from the trial Court, the relevant extract of which is reproduced as under:-

“The petitioners Manpreet Singh, Gurpreet Singh and Sukhvir Singh along with respondent Ranjit Singh appeared in the Court on the designated date, i.e., 24/9/2019, alongwith their respective counsel and their statements were recorded in the Court. The investigating officer in the present FIR, ASI Gurmail Singh bearing No.300/GRP appeared in the Court on 25/9/2019 and his statement was also recorded. Apart from the same the original file was also summoned and perused. After examining the statements of the parties to the petition, the investigating officer and the record in entirety, the report on the outlined aspects is submitted as under:-

1. Number of persons arrayed as accused in FIR.

On this count, it was submitted by the investigating officer, ASI Gurmail Singh, that there were as many as five accused in the present FIR, they being

- (a) Gurpreet Singh @ Goppi son of Kapoor Singh*
- (b) Gurjant Singh @ Janta son of Nirmal Singh*
- (c) Lakhwinder Singh @ Lakha son of Jwala Singh*
- (d) Manpreet Singh @ Mana son of Visakha Singh*
- (e) Sukhvir Singh @ Chibbi son of Rajinder Singh*

All residents of village Rattoke, Sub Tehsil Longowal, District Sangrur.

After the conclusion of investigation, challan was filed only against accused Manpreet Singh and Sukhvir Singh whereas the remaining three accused were absolved and were placed in khana no.2 of the challan. It was through order dated 02.07.2016 passed by the trial Court that accused Gurpreet Singh @ Goppi was summoned to face trial under Section 319 of Cr.P.C.

2. Whether any accused is proclaimed offender (sic offender).

On this count it was submitted by the Investigating Officer ASI Gurmail Singh that according to his record no accused is a proclaimed offender.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

The parties stated in unison in their respective statements recorded on 24/9/2019 that they had voluntarily entered into a compromise without any coercion or undue pressure. From the statements of the parties, it is concluded that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence.

4. Whether the accused persons are involved in any other case or not.

On this count, it was stated by the accused in their statements that 24/9/2019 as well as by the investigating officer that the accused were not involved in any other case.

5. The trial Court is also directed to record the statement of the investigating officer as to how many victims/complainants are there in the FIR.

It was stated by the investigating officer, ASI Gurmail Singh that according to his record there was only one victim who was also the complainant, he being Ranjit Singh son of Baldev Singh, resident of village Rattoke (respondent No.2).”

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 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. FIR No.10 dated 08.02.2012 under Sections 324, 148 and 149 of the Indian Penal Code, 1860 (Sections 326 and 34 were added later on), registered at Police Station Longowal, District Sangrur, Annexure P-1, along with all subsequent proceedings arising therefrom and judgment of conviction and order of sentence dated 16.02.2018 passed by Ld.ACJM, Sangrur, Annexure P-2, are quashed qua the petitioners.

07.09.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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