

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(248-2)

CRM-M-4219-2022
Date of Decision:- 23.03.2022

Jaswinder Singh and another

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Paramjit Singh Bal, Advocate for the petitioners.

Mr. P.S.Walia, AAG, Punjab
for the respondent No.1-State.

Mr. Lakhvir Kumar, Advocate for
Mr. Manmeet Singh Rana, Advocate for
the respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

On 03.02.2022, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of DDR No.10 dated 21.06.2020 registered under Sections 323, 341, 34 of Indian Penal Code, 1860 at Police Station City Khanna, District Khanna (Annexure P-1) in FIR No.102 dated 20.06.2020 registered under Sections 354-A, 323, 148, 149 IPC at Police Station City Khanna, District Khanna, District Ludhiana (Annexure P-1/A) and all the consequential proceedings arising therefrom, on basis of compromise dated 13.08.2021 (Annexure P-2).

Counsel for the petitioners submits that FIR is an outcome of minor altercation between the parties and the DDR (Annexure P-1) has been lodged by Rajveer Singh-respondent No.2. He submits that it is a case of version and cross-version and the parties have settled the dispute by virtue

of compromise (Annexure P-2). By referring to para 6 of the petition, counsel submits that the petitioners have not been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr.Dhruv Dayal, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1- State. Mr. Manmeet Singh Rana, Advocate appears on behalf of respondents No.2 & 3 and has filed his 'Memorandum of Appearance', which is taken on record. He has admitted the factum of compromise as well as submission made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Trial Court/Illaq Magistrate on 23.02.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Illaq Magistrate shall submit the report 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 Trial Court/Illaq Magistrate be awaited for 23.03.2022.

To be heard alongwith CRM-M-1548 of 2022.”

Report has been received from the Trial Court pursuant to the above order and its relevant extract is reproduced as under:-

“1. As per the statement of Investigating Officer, there are two accused persons arrayed in the present FIR and no accused has been declared PO in the present case. Both the accused,

- namely, Damanjit Singh and Jaswinder Singh have appeared and suffered their statement with regard to compromise.*
- 2. The name of the complainant/aggrieved/injured is Rajveer Singh and Kamaljit Kaur and they have appeared in the Court and made their statements in support of their compromise.*
- 3. As per record, the present case is at the stage of recording evidence of prosecution witnesses.*
- 4. The compromise is genuine, voluntary and out of free will of the parties.*
- 5. As per statement of Investigating Officer, no criminal case is pending against the accused persons.”*

FIR is an outcome of a petty dispute between neighbors, which has been settled with the intervention of respectables and members of the Panchayat.

Considering the fact that the dispute is private in nature, which has been resolved, and in view of judgments of the Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the view that prolonging of the criminal proceedings will not yield any fruitful result as the chances of conviction of the accused are remote because of the settlement.

Accordingly, the petition is allowed. DDR No.10 dated 21.06.2020 registered under Sections 323, 341, 34 of Indian Penal Code, 1860 at Police Station City Khanna, Police District Khanna, District Ludhiana (Annexure P-1) in FIR No.102 dated 20.06.2020 registered under Sections 354-A, 323, 148, 149 IPC at Police Station City Khanna, Police District Khanna, District Ludhiana (Annexure P-1/A), along with all consequential proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

23.03.2022
Kamal

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