

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123+248-1)

CRM-M-1548-2022 (O&M)
Date of Decision:- 23.03.2022

Rajveer Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Lakhvir Kumar, Advocate for
Mr. Manmeet Singh Rana, Advocate for the applicants-petitioners

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

Mr. P.S.Bal, Advocate for the respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

CRM-10850-2022

For the reasons given in the application, it is allowed.

Amended Memo of Parties is taken on record.

CRM-M-1548-2022

On 01.02.2022, this Court passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing of FIR No.102 dated 20.06.2020 under Sections 354-A/323/148 and 149 of IPC, 1860, registered at Police Station City Khanna, Police District Khanna, District Ludhiana, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of panchayati compromise dated 13.08.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that the FIR is an outcome of an altercation between neighbors, which has been settled by virtue of panchayati compromise, Annexure P-2. He submits that a cross-version, Annexure P/1A has been lodged at the instance of petitioner No.1.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, AAG, Punjab, who is present through video conferencing, accepts notice on behalf of respondent No.1-State. As per instructions received by him from ASI Jagtar Singh, challan has been presented against all the accused-petitioners, who are on bail and charge has been framed on 11.11.2021, though prosecution evidence is yet to start. Mr. P.S. Bal, Advocate accepts notice on behalf of the complainant/respondent No.2 and respondent No.3, who is the injured. He admits the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 23.02.2022 or any date thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing. The report be forwarded to this Court 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 Illaqa Magistrate/trial Court be awaited for 23.03.2022.”

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 six accused arrayed in the present FIR and no accused has been declared PO in the present case. All the accused, namely, Jagdev Singh, Sahibjit Singh, Karanvir Singh, Rajveer Singh,

Taranjit Singh and Shubhveer Singh have appeared and suffered their statement with regard to compromise.

2. The names of the complainant/aggrieved/injured are Gaganjit Kaur, Jaswinder Singh and Damanjit Singh 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 continuation of the criminal proceedings will not serve any purpose, rather setting aside of the same will enable the parties to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.102 dated 20.06.2020 under Sections 354-A/323/148 and 149 of IPC, 1860, registered at Police Station City Khanna, Police District Khanna, District Ludhiana, Annexure P-1, along with all consequential proceedings arising therefrom, are quashed qua the petitioners.

23.03.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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