

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(257)

CRM-M-2968-2020

Date of Decision:- 16.08.2022

Manpreet Singh @ Mani and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amitabh Tewari, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab
for State-respondent No.1.

Ms. Mahima Gupta, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Code”) for quashing of FIR No.0191 dated 02.11.2019, registered for offences under Sections 452, 323, 148, 149, 354, 427 and 506 of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Anaj Mandi, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 24.12.2019, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that due to a petty issue amongst neighbors, a dispute arose and FIR, Annexure P-1, has been lodged against the petitioners. He submits that a cross case vide G.D. No.048 dated 02.11.2019, Annexure P-2, has been lodged by the petitioner's mother. He submits that with the intervention of the respectables of the village, the dispute has been amicably settled by virtue of compromise deed, Annexure P-3. He submits that even the cross case stands settled and a separate petition seeking quashing of Annexure P-2 is in the process of being instituted.

Upon instructions received from ASI, Mandeep Singh, State counsel submits that the matter is under investigation. He has opposed the petition on the ground that offences under Section 354 and 452, IPC are non-compoundable.

Ms. Mahima Gupta, Advocate has put in appearance on behalf of complainant-respondent No.2 and has filed Vakalatnama, which is taken on record. She has admitted the factum of compromise and has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 23.01.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate for recording of their statements in support of the compromise and a report was called for on the following aspects:-

- “i) Number of persons arrayed as accused in FIR;*
- ii) Whether any accused is Proclaimed Offender;*
- iii) The stage of trial/proceedings;*
- iv) Whether the compromise is genuine, voluntary, and without any coercion of undue influence.”*

Report has been received and its relevant extract is as under:-

“1. Three persons namely Mani son of Balwinder Singh, Prince son of Balwinder Singh and Ravi son of Balwinder Singh and 15/20 unknown persons were arrayed as accused in the FIR and later on, during investigation, accused Balwinder Singh son of Jarnail Singh and Paramjit Kaur wife of Balwinder Singh, residents of Ranjit Vihar, PS Anaj Mandi, Patiala were nominated in the present FIR.

2. As per report of SHO, PS. Anaj Mandi, Patiala, no proclamation proceedings are pending against any accused nor any accused is proclaimed offender.

3. The case is at the stage of investigation.

4. In the given circumstances, I am satisfied that parties have got their statements recorded before the Court voluntarily and without any pressure and the compromise effected between them is genuine, voluntary, without any coercion or undue influence.

Report of SHO, PS. Anaj Mandi, Patiala was called as per which FIR No.191 dated 02.11.2019, U/S 452, 323, 148, 149, 354, 427, 506 of IPC was registered at the instance of Kulwinder Singh against accused Mani, Prince, Ravi sons of Balwinder Singh and 15/20 unknown persons and on the statement of Paramjit Kaur, cross case was registered against Kulwinder Singh, Jaswinder Kaur, Ranjit Rana, Happy and other three/four unknown persons U/s 451, 323, 148, 149, 354 of IPC.

It is pertinent to mention here that although originally the FIR in question was registered against three accused/petitioners only, but later on Balwinder Singh and Paramjit Kaur were also nominated in the present FIR at the instance of complainant Kulwinder Singh, but they did not appear before the undersigned for getting their statements recorded nor they are party to the quashing petition moved before the Hon'ble High Court. Further, a cross case has also been registered against Kulwinder Singh, Jaswinder Kaur, Ranjit Rana, Happy and other three/four unknown persons U/s 451, 323, 148, 149, 354 of IPC at the instance of Paramjit Kaur, but none of these persons appeared before the undersigned to get their statements recorded regarding the compromise being effected in cross case nor they are party to the quashing petition moved before the Hon'ble High Court. Petitioner Manpreet Singh @ Mani had moved an application through his counsel for recording the statement of all the persons involved in the main FIR as well as the cross case on 17.03.2020 and the learned counsel had requested to adjourn the matter in April for getting their statements recorded considering the outbreak of Covid-19, but till date

none of the persons appeared before the undersigned to get their statements recorded regarding the cross-case.”

A perusal of the FIR, Annexure P-1, shows that the dispute between the parties is over a trivial matter, which has been settled. Parties, who are neighbors, have decided to give a quietus to the dispute.

Supreme Court in ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*** has held that when parties have amicably settled their dispute and the complainant/victim has willingly consented to the nullification of the criminal proceedings, High Court can quash such proceedings in exercise of its inherent powers under Section 482 of the Code even if the offences are non-compoundable.

Keeping in view the nature of dispute, report of the Trial Court and the judgment of the Supreme Court, this Court is of the view that prolonging the criminal proceedings would not serve any purpose rather setting them aside would enable the parties to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.0191 dated 02.11.2019, registered for offences under Sections 452, 323, 148, 149, 354, 427 and 506 of IPC, at Police Station Anaj Mandi, District Patiala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

16.08.2022

Kamal

(SUVIR SEHGAL)
JUDGE

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