

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

288

CRM-M-5198-2022

Date of decision:24.05.2022

Gursharanpreet Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Munish Gulati, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 08.02.2022, this Court passed the following order:-

“Heard through video conferencing.

Prayer in this petition is for quashing of FIR No.187 dated 10.12.2021 under Sections 354/452/323/506/34 of IPC, 1860, registered at Police Station Dakha, District Ludhiana, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise and affidavit dated 17.12.2021, Annexures P-2 and P-3, respectively.

Counsel for the petitioners submits that an altercation took place between the petitioners and the private respondents over a minor issue, which has been settled by virtue of compromise, Annexure P-2. By referring to the affidavit dated 17.12.2021, Annexure P-3 executed by respondent No.2, counsel for the petitioners submits that the offences as alleged in the FIR are not made out as the complainant in her affidavit has inter alia deposed as under:-

“3. That the dispute took place in public view in street/passage with Gursharanpreet Singh, Jangpreet Singh sons of Satwinderjit Rajpal Singh and

Madan son of Ram Chander. At that time, only argument took place. No manhandling, teasing was done with me nor they had given beatings, earlier I got registered the FIR against them under the influence of someone.”

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. He has instructions to submit that the matter is under investigation, though all the three petitioners are named as an accused, but no arrest has been made. Mr. Munish Gulati, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise as well as statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/Trial Court on 04.03.2022 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 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 24.05.2022.”

Report has been received in compliance of the above reproduced order and its relevant extract is as under:-

“ i) As per the statement of ASI Gurdeep Singh there are three accused namely Gursharanpreet Singh, Jangpreet Singh and Madan Lal in this case. All the accused appeared before the court and recorded their

statement. None of the accused is declared P.O in this case.

ii) As per the statement of I.O the complainant in the present case is Jabooda Khatoon @ Rekha Rani and two injured namely Mohd. Insarul and Mohd. Munish in this case. The complainant and both the injured appeared in the court and recorded their statement.

iii) As per the statement of I.O the case is pending at the stage of investigation.

iv) From the aforementioned statement of the complainant, which was got recorded by the Court, it clearly appears that the compromise between the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence.

v) As per the statement of the I.O. no other criminal case was pending against the accused in their police station. ”

In view of the factual position as noticed by this Court in its interim order dated 08.02.2022, report of the trial court as well as the judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court has no reservation in quashing the criminal proceedings.

Accordingly, petition is allowed. FIR No.187 dated 10.12.2021 under Sections 354/452/323/506/34 of IPC, 1860, registered at Police Station Dakha, District Ludhiana, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

24.05.2022

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(SUVIR SEHGAL)
JUDGE

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