

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

131

CRM-M-6305 of 2021
Date of decision:30.09.2022

Hansa Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shubham Goyal, Advocate for
Mr. Sandeep Godara, Advocate
for the petitioners.

Mr. P.S.Grewal, DAG, Punjab.

Mr. J.S.Grewal, 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 quashing of FIR No.0142 dated 04.09.2020 registered for offences under Sections 452, 323, 506, 148, 149 of Indian Penal Code, 1860, at Police Station Talwandi Chaudhrian, District Kapurthala (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of compromise deed dated 26.10.2020 (Annexure P-2).

Counsel for the petitioners submits that FIR (Annexure P-1) is an outcome of a trivial dispute amongst the co-villagers, which has been

amicably settled by compromise (Annexure P-2). He submits that parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions received from ASI Jaswinder Singh, State counsel submits that matter is under investigation.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 11.02.2021, this Court directed the parties to appear before the Trial Court for recording of their statements and a report was called for regarding genuineness of the compromise as also as to whether any other person has been nominated as an accused and whether any of the named persons has been declared as Proclaimed Offender etc. Report has been received from the Trial Court and its relevant extract is as under:-

(I) Parties have affected settlement/compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc., in any manner.

(II) As per statement of investigating officer, no other criminal case is pending against either of the parties.

(III) As per statement of investigating officer, Hansa Singh s/o Kulwant Singh, Jasbir Singh s/o Hansa Singh, Jaswinder Singhy s/o Hansa Singh, Harbans Singh s/o Kulwant Singh,

Harjit Kaur @ Giano @ Surjeet Kaur w/o Mohan Singh and Seema Rani w/o Hansa Singh all residents of village Amritpur, Talwandi Chaudhrian, District Kapurthala is the party in this case and only complainant/respondents i.e. Pritam Singh s/o Mukhtiar Singh r/o village Amritpur, Talwandi Chaudhrian, District Kapurthala is the aggrieved party in this case and there is no other aggrieved party in present case.

(IV) As per statement of investigating officer, no other accused except the petitioner is the party in the present case and none of the petitioner/accused have been declared proclaimed offender in the present case nor any proceedings for declaring them as proclaimed offender is pending.

(V) It is further submitted that as per report made by the ahlmad of the Court of undersigned that the challan in the present case is not yet presented in the Court and further there is no any cross case etc be filed before this Court.”

It is evident that FIR (Annexure P-1) is an outcome of dispute, which has taken place between the residents of same area and has been amicably settled. The dispute is entirely private in nature and does not have any impact on the society. Parties have decided to bury the hatchet and lead a peaceful co-existence.

In view of the above development, report of the Trial Court and the judgment of Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another**

(2017) 9 SCC 641, this Court is of the opinion that quashing of the criminal proceedings will go long way in bringing about harmony amongst the co-villagers.

Accordingly, instant petition is allowed. FIR No.0142 dated 04.09.2020 registered for offences under Sections 452, 323, 506, 148, 149 of Indian Penal Code, 1860, at Police Station Talwandi Chaudhrian, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

September 30, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes