

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-6356-2021

Date of decision:18.05.2022

Mukhtiar Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Manoj K. Sharma, Advocate for

Mr. A.K. Ranolia, Advocate for respondents No.2 and 3.

SUVIR SEHGAL J. (ORAL)

At the outset, counsel for the petitioners seeks and is granted permission to withdraw the petition qua, Balwinder Kaur, petitioner No.5.

Dismissed as withdrawn insofar as petitioner No.5 is concerned.

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.129 dated 28.10.2020 under Sections 452, 323, 354-A, 354-B, 354-C, 506, 148 and 149 of IPC, 1860, registered at Police Station Qadian Batala, District Batala, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 11.11.2020, Annexure P-2.

Counsel for the petitioners submits that an altercation took place between the neighbours over a construction of a wall. The

allegation is that accused tore the shirt of complainant's mother and outraged her modesty, besides causing injuries to them. A specific argument has been raised that offence under Sections 354-A, 354-B and 354-C, IPC, is not made out. He urges that the dispute being entirely personal, has been settled by virtue of compromise, Annexure P-2, and the parties have appeared before the Trial Court and recorded their statements in support of the compromise.

Upon instructions from ASI Surinder Kumar, State counsel submits that matter is under investigation.

Counsel for respondents No.2 and 3 admits the factum of compromise and does not dispute the statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 24.02.2021, this Court directed the parties to appear before the Area Magistrate and get their statements recorded and a report was called for regarding the genuineness of the compromise, antecedents of the parties and status of the case as well as whether any of the party has been declared as a P.O. Report has been received and its relevant extract is reproduced as under:-

“i. In view of the statements got recorded by both the parties except accused Balwinder Kaur, this Court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.

ii. As per record and as per the statement of Investigating Officer of FIR bearing no.129 dated 28.10.2020 under sections 452,323,354-A,354-B,354-C,506, 148, 149 IPC P.S Qadian, Batala the present FIR has been registered against five persons namely Mukhtiar Singh, Manjit Kaur, Parminder Singh, Harminder Singh and Balwinder Kaur and

none of the accused of the present FIR has been declared Proclaimed Offender nor any Proclaimed Offender proceedings are pending against any of them.
iii. No any other FIR or criminal proceedings is (sic are) pending/registered against any of the accused in any Police Station.”

FIR, Annexure P-1, is an outcome of a dispute between neighbours over a petty issue, which has been settled. Keeping in view the background, nature of allegations as well as the report of the Trial Court and 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 is of the opinion that continuation of the criminal proceedings would not serve any purpose as the possibility of conviction of the accused is remote, rather setting these aside would enable the parties, some of whom are co-villagers, to lead a peaceful and harmonious life.

Accordingly, petition is allowed. FIR No.129 dated 28.10.2020 under Sections 452, 323, 354-A, 354-B, 354-C, 506, 148 and 149 of IPC, 1860, registered at Police Station Qadian Batala, District Batala, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua petitioners No.1 to 4 only.

18.05.2022
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(SUVIR SEHGAL)
JUDGE

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