

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-6755 of 2021
Date of decision:19.04.2022

Rahul Singla and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anoop Singla, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. B.B.S.Randhawa, Advocate for
Mr. Sunny Namdev, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.233 dated 31.10.2020 registered under Sections 452, 354, 354-B, 506, 34 of Indian Penal Code, 1860 at Police Station City Kotkapura, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.01.2021 (Annexure P-2).

FIR (Annexure P-1) has been registered on the basis of statement of complainant-respondent No.2 on the allegation that she and her family were tenants of Kulbir Singla-petitioner No.2, who had a bad eye on her. On 30.10.2020, at about 9.00 a.m., when she was sweeping the house, Kulbir Singla came, slapped and molested her. When she resisted, her

bangles cracked and T-shirt got torn. Her Husband and son, who came on the spot, were thrashed by Kulbir Singla, who was joined by his son Mohit and nephew Rahul.

Counsel for the petitioners submits that dispute between the parties is private in nature and has been settled by virtue of compromise (Annexure P-2), which is supported by an affidavit (Annexure P-3) of complainant-respondent No.2. He submits that parties have appeared before the Trial Court pursuant to order dated 08.02.2022 passed by this Court.

Upon instructions from ASI Nirmal Singh, State counsel submits that challan has been presented against all the three accused-petitioners, but charge is yet to be framed. He submits that no substance has been found in the allegation of inflicting injury on the husband and son of the complainant.

Counsel representing complainant-respondent No.2 admits the factum of compromise and supports the averments made in the petition.

Heard counsel for the parties.

Vide order dated 08.02.2022, this Court directed the parties to appear before the Trial Court and get their statements recorded in support of the compromise and report was called for, from the Court concerned. Report has been received and its relevant extract is as under:-

“(i) There are three accused persons, namely, Rahul Singla, Kulbir Singla and Mohit Singla involved in the present FIR. There is one complainant, namely, Jyoti Bajaj involved in the present case. However, as per statement of the Investigating

Officer complainant Jyoti Bajaj has also levelled allegations that accused have assaulted her husband Sunil Bajaj and her son Abhinav Bajaj during the occurrence. The aforesaid Sunil Bajaj and Abhinav Bajaj have been cited in the list of witnesses alongwith the complainant Jyoti Bajaj. However, both the aforesaid witnesses did not get themselves medically examined and they are not the parties to the present petition filed in the Hon'ble High Court, Chandigarh.

(ii) As per statement of the Investigating Officer, no other criminal case/FIR is pending against the above named accused/petitioners.

(iii) The compromise so arrived at between the parties is genuine, authentic, voluntary, without any kind of undue influence or pressure.”

FIR (Annexure P-1) is a result of dispute between a landlord and his tenants. The nature of the allegations show that it is totally a personal dispute which has been settled by virtue of compromise (Annexure P-2). The parties have decided to bury the hatchet.

Keeping in view the judgment of Hon'ble Supreme Court in **Narinder Singh and another Vs. State of Punjab and another 2014(2) RCR(Criminal) 482** and **Ramgopal and another Vs. State of Madhya Pradesh 2021(4) RCR (Criminal) 322**, this Court is of the opinion that continuation of the criminal proceedings will be a futile exercise as the

possibility of conviction of the accused is remote and interest of justice would be served if they are set aside.

Accordingly, the petition is allowed. FIR No.233 dated 31.10.2020 registered under Sections 452, 354, 354-B, 506, 34 of Indian Penal Code, 1860 at Police Station City Kotkapura, District Faridkot (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

April 19, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>