

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-8743-2021

Date of decision:24.05.2022

Tarsem Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Chahit Bansal, Advocate for
Mr. Pardhuman Garg, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Abhishek Dhiman, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.187 dated 20.06.2019 under Sections 323, 354 and 325 of IPC, 1860, registered at Police Station Sohana, District SAS Nagar, Mohali, Annexure P-1, on the basis of compromise dated 13.02.2021, Annexure P-2.

By referring to the allegations levelled in the FIR, Annexure P-1, counsel for the petitioners submits that there was a monetary dispute between the petitioners and complainant/respondent No.2. Counsel submits that as per the allegations, when the complainant/respondent No.2 went to the accused and asked for the return of Rs.10 lakh, an altercation took place between the parties and in the process, the clothes of the complainant got torn. He submits that allegations have also been levelled against petitioner No.1 that he started cursing the complainant and assaulting her. His wife-petitioner No.2 is alleged to have kicked the complainant in the stomach, when she fell down. Counsel submits that

the dispute between the parties is personal and has been settled by compromise, Annexure P-2, and the parties have appeared and their statements have been recorded in support of the compromise.

Upon instructions from HC Manpreet Singh, State counsel submits that investigation has been completed and final report has been presented before the trial court, but charge has not been framed.

Counsel for the complainant/respondent No.2 has not disputed the statement of counsel for the petitioners, rather he supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 24.02.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded with regard to the compromise and a report was called for on the following points:-

- “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.”*

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

“It is clear from the statement of complainant, accused and investigating officer that there is only one complainant namely Rajvir Kaur and two accused namely Tarsem Singh and Harpreet Kaur, in the present case. Further, no accused is absconding/proclaimed offender in the present case and there is no other injured/aggrieved in the present FIR except complainant, as the

investigating officer, in his statement, has specifically mentioned.

It is further submitted that challan has been presented in the present case and copy challan alongwith annexed documents have been supplied to accused Tarsem Singh free of cost under Section 207 CrPC. Whereas, notice has been issued to accused Harpreet Kaur for 31.03.2021 for supplying copy of challan alongwith annexed documents.

Thus, the said compromise has been found as genuine, voluntarily, without any fear, force or pressure; it being result of an amicable settlement arrived at between the parties.”

After hearing the counsel for the parties and examining the allegations levelled, this Court is of the view that the dispute between the parties appears to be a private one, which has been settled and a report regarding the genuineness of the settlement has been received from the trial court. In view of above background as well as 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 keeping the criminal proceedings alive will not serve any purpose as there is remote possibility of conviction of the accused.

Accordingly, petition is allowed. FIR No.187 dated 20.06.2019 under Sections 323, 354 and 325 of IPC, 1860, registered at Police Station Sohana, District SAS Nagar, Mohali, 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