

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

290-1

CRM-M-10575-2021

Date of decision:21.09.2022

Gian Chand @ Gian Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. H.S. Aujla, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. Navdeep Singh Dhillon, 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.356 dated 03.12.2018 under Sections 452, 323, 354-A, 354, 506 and 34 of IPC, 1860, registered at Police Station Shimlapuri District Police Commissionerate Ludhiana, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 01.02.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioners submits that FIR, Annexure P-1, which has been lodged on the direction of JMIC, Ludhiana on a petition filed under Section 156 (3) of Cr.P.C., is an outcome of a dispute between a landlord and tenant. He submits that an argument took place between the parties over the filling of an overhead water tank, which resulted in altercation and in the scuffle, clothes of complainant's wife got torn. It is his argument that there was no intention to outrage the

modesty of the lady. Still further, he submits that the dispute has now been amicably settled by a *panchayati* compromise, Annexure P-3, and the parties have appeared before the trial court and their statements have been recorded.

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

Counsel for 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 09.03.2021, this Court directed the parties to appear before the Area Magistrate/Trial Court/Duty Magistrate for getting their statements recorded and a report was called for on the following aspects:-

- “1. Number of persons arrayed as accused;*
- 2. Whether any accused is proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

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

“So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

As per FIR and statement of the Investigating Officer, there are petitioners/accused No.1 to 4 have been arrayed as accused.

As per statement of the Investigating Officer, joint statements of petitioners/accused & report of the Criminal Ahlmad, any of the

accused has not been declared as Proclaimed Offender nor they are involved in other FIR.

As per statement of Investigating Officer, there is only one complainant namely Neelam in the present FIR.”

It is evident that FIR is an outcome of a trivial dispute between the parties, which has now been amicably settled. In view of the above facts, report of the trial court and judgment of the 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 view that setting aside of the criminal proceedings would go a long way in restoring peace and harmony amongst the parties.

Resultantly, petition is allowed. FIR No.356 dated 03.12.2018 under Sections 452, 323, 354-A, 354, 506 and 34 of IPC, 1860, registered at Police Station Shimlapuri District Police Commissionerate Ludhiana, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

21.09.2022
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(SUVIR SEHGAL)
JUDGE

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