

**234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-13308-2015

Date of Decision: October 11, 2022

Surjit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- None for the petitioner.

Mr. Kamal Preet Bawa, AAG, Punjab.

Mr. Avtar Singh Bhatti, Advocate for respondent No.4.

Mr. Baljinder Singh, Advocate for respondent No.5.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for seeking direction of respondent Nos.1 and 2 to register an FIR under Sections 302, 304 and 120-B of IPC against respondent Nos.4 to 6 for conspiring to kill the husband of the petitioner.

Notice of motion in this case was issued on 19.05.2015. Pursuant to which reply dated 08.07.2015 was filed. Thereafter, another reply dated 30.09.2019 by way of affidavit of Anil Kumar Bhanot, PPS, Deputy Superintendent of Police, Sub Division Dasuya, District Hoshiarpur has been filed.

Learned State counsel refers to para Nos.10 and 11 of the aforesaid reply, which read thus:

“10. That the statement of eye witness was recorded who stated that he has a shop on rent in Hajipur road and on that day at about 3 PM, he was standing outside then Mangal Singh

(husband of the petitioner) was going on his cycle and he suddenly fell down due to unbalancing then the driver of Tractor which was coming from Hajipur side tried his best to save him but he came under the tyre of trolley due to which he died.

*11. That apart from the statement of above eye witness, statements of some other persons were also record from which clearly shows that this accident was occurred suddenly and no malafide intention of the driver as alleged came into the knowledge. It is also pertinent to mention here that the petitioner also arrived at a compromise with the owner of the Tractor in the presence of some respectable persons, in which she admitted this fact that this accident has been occurred suddenly and no malafide intention was there of anyone. This facts was also got record in the statements which was got recorded to the police. During the inquiry conducted by the S.H.O. P.S. Dasuya, statement of the petitioner was recorded on 13.09.2019 in the presence of her son and Ramandeep Kaur Sarpanch of Village Chak Mehra, and the allegations leveled by the petitioner were found to be false and the same were found to be leveled due to pendency of litigation of the petitioner with respondent No.5 before the Lower Courts and due to revenge of the fine of Rs.500/- imposed on the petitioner two time by Lower Court in the litigation filed by the Harjinder Singh respondent No.5 and the proceedings initiated U/s 174 Cr.P.C. were found to be initiated on the basis of true facts of the case. The true translation of statement of petitioner dated 13.09.20-19 is annexed as **Annexure R-11/T.**”*

He further refers to statement of eye witness Rakesh Kumar son of Vijay Kumar, which reads thus:

“Stated that I am permanent resident of above mentioned address and I am doing the shop of cement and Iron roads. That I have taken the shop on rent in Hajipur road from the owner of the shop Tara Singh resident of Chak Mehra. On that day at about 3 PM I was standing outside my shop then Mangal Singh S/o Malla Singh resident of Chakk Mehra PS Dasuya was going on his cycle to his

village when he crossed my shop and went to Hajipur side then his cycle due to unbalancing suddenly fall down then the driver of Tractor which was coming from Hajipur side tried his best to save him but he came under the tyre of trolley due to which he died Statement has been read over which is correct.

He further refers to Annexure R-5/T, which is the statement of Abhishek S/o Puran Parkash, which reads thus:

“Stated that I am permanent resident of above mentioned address. A kiln namely Sharma Bhatta is situated in village Gagjallo under the name of my mother Sudesh Sharma which is taken care by me on dated 22-05-2014 Driver Multan S/o Khajan Singh resident of Ittian PS Hajipur was driving a tractor Savraj 735 which was carrying a trolley and bricks and pieces of bricks were loaded in the trolley and he was going to village Bodal then at about 3 PM when he was about to reach Hajipur Chowk Dasuya a man who was coming from Dasuya side to Hajipur side on his cycle then due to unbalance of his cycle he came under the tyre of trolley and he died on the spot who was later identified as Mangal Singh S/o Malla Singh resident of Chakk Mehra PS Dasuya. On dated 23-05-2014 the respectable persons of the village and of the area told me that he was a poor person who used to raise his kids by hard work help be provided to his family so as help I gave Rs. 2,25,000/- out of which I gave Ra. 1,25,000 to Surjit Kaur wife of Mangal Singh by cheque No. H2774 dated 23-05-2014 SBI Dasuya and Rs. 1,25,000/- were given in cash to Surjit Kaur in the presence of respectable persons and one compromise was scribed in the presence of respectable persons and it was written in the compromise that I will not initiate Any legal proceeding against the owner of the kiln and against the driver Multan Singh and respectable persons signed on the same and Surjit Kaur above mentioned gave her thumb impression on the same. Preior to this I didn't knew any person from village Chak Mehra. My mother due to her old age she cannot walk properly that is why I am taking care of the kiln. Statement is read over which is correct.”

Learned counsel for the private respondents submit that there is already a compromise that had arrived at between the parties.

Learned counsel for the State and the counsel for the private respondents submit that the petitioner has already a remedy under Section 156(3) Cr.P.C. and this petition has been rendered infructuous.

In view of the above, no further order is required to be passed in the matter. Accordingly, the present petition stands disposed of as having been rendered infructuous.

However, the petitioner is at liberty to avail the alternative remedy available to him, in accordance with law.

October 11, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:	Yes	/	No
Whether reportable:	Yes	/	No