

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

280

CRM-M-11665 of 2022
Date of decision:14.09.2022

Nishan Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikram Bali, Advocate
for the petitioner.

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

Mr. Rohit Joshi, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.53 dated 30.08.2020 registered under Sections 452, 323, 324, 354, 506 of Indian Penal Code, 1860 at Police Station Block Majri, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 07.03.2022 (Annexure P-2).

Counsel for the petitioner submits that FIR (Annexure P-1) is an outcome of minor altercation between the parties, who are co-villagers. By referring to the allegations levelled in the FIR, he urges that during an altercation, shirt of the complainant-respondent No.2, Jasveer Kaur got torn. It is his argument that there was no intention to outrage the modesty of the

complainant and offence under Section 354 IPC, is not made out. Still further, he submits that in deference to order passed by this Court, parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

State counsel has filed status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Kharar-2, District SAS Nagar (Mohali), in compliance of the order passed by this Court. He has submitted that two injuries have been inflicted on the complainant, one of which is with a sharp edged weapon.

Upon instructions from ASI Parminder, State counsel submits that on conclusion of investigation, final report has been submitted, charge has been framed, but no prosecution witness has been examined.

Counsel representing the complainant-respondent No.2 and victim-respondent No.3 has besides admitting the factum of compromise, supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 21.03.2022, this Court directed the parties to appear before the Area Magistrate/Duty Magistrate for getting their statements recorded and a report was called for regarding the genuineness of the compromise as also as to how many accused involved in the FIR and as to whether any of them has been declared as P.O.

Report has been received from the Trial Court and its relevant extract is as under:-

“ASI Parminder Kumar got recorded his statement to the effect

that he is Investigating Officer of FIR No.53 dated 30.08.2020, under Sections 323, 324, 354, 452, 506 IPC, P.S.Block Majri, District SAS Nagar, which was registered on the complaint of complainants namely Jasvir Kaur and Gurjant Singh. He stated that there is only one accused namely Nishan Singh. He further stated that parties are not involved or declared proclaimed offender in any other criminal case. This Court is satisfied that aforesaid statements made by complainants and accused are voluntarily and without any threat or any undue influence.”

It is evident from the above that FIR (Annexure P-1) is an outcome of a trivial dispute amongst the co-villagers, which has been amicably settled. It is purely a private dispute and the offence allegedly committed has no impact on the society.

Keeping in view the above developments, report of the Trial Court and judgments of Supreme Court in **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482** 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 quashing of the criminal proceedings against the petitioners will go long way in restoring peace and tranquility amongst the parties.

Accordingly, the petition is allowed. FIR No.53 dated 30.08.2020 registered under Sections 452, 323, 324, 354, 506 of Indian

Penal Code, 1860 at Police Station Block Majri, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

September 14, 2022

savita

(SUVIR SEHGAL)
JUDGE

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