

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(266)

CRM-M-13404-2021
Date of Decision:- 10.10.2022

Purab Khanna and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Satpreet Grewal Kapila, Advocate for the petitioners.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab
for State-respondent No.1.

Mr. Siddharth Sharma, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

On 24.03.2021, this Court passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.102 dated 28.10.2016 registered under Sections 380, 447, 354, 506, 34 IPC at Police Station Bhloath (sic Bholath) District Kapurthala (Annexure P-1) alongwith all subsequent proceedings arising therein, on the basis of compromise dated 05.03.2021 (Annexure P-2).

Learned counsel submits that petitioners and private respondents are related to each other and the FIR is an out-come of a dispute between them over a piece of land. He submits that civil litigation regarding the land is pending since the last more than a decade. Still further, he contends that allegations regarding outraging the modesty of the wife of the complainant are out and out false. He has referred to para-5 of the affidavit filed by petitioner No.3 to submit that none of the petitioners have been declared as proclaimed offender.

Notice of motion.

On asking of the Court, Mr. Ramndee Sandhu, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State and seeks time to get instructions.

Mr. Siddharth Sharma, Advocate, has put in appearance on behalf of respondents No.2 and 3. He has admitted the factum of compromise effected between the parties and has supported the submissions of the counsel for the petitioners.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 20.04.2021 for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the followings:-

- 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;*
- 5. whether any other criminal case is pending against the accused.*

Report of the Illaqa Magistrate/trial Court be awaited for 19.08.2021.”

Although a report was received, but it was not in terms of the above reproduced order, therefore, a fresh report was called for, which has been received and its relevant extract is as under:-

“I. FIR No.102 dated 28.10.2016, Under Sections 380, 447, 354, 506, 34 IPC, PS Bholath, District Kapurthala, has been registered on the statement of complainant Rajesh Khanna son of Dalip Chand, r/o Bholath Garbi, PS Bholath, District Kapurthala.

II. Statement of Rajesh Khanna (complainant) has been recorded on dated 10.05.2022 through video conference through

Whatsapp vide No.+1(515) 480-6045, vide which he stated that the matter has been compromised with accused persons and the compromise was effected without any undue influence or pressure and the compromise is voluntarily, genuine and without any coercion and no other criminal proceedings are pending between him and the accused persons and he has no objection if the present FIR is quashed against accused Surinder Kumar, Prabhat Khanna and Purab Khanna. He also produced copy of his passport and employment authorization card through the Whatsapp on the phone of his brother Navyugraj Khanna. He has been identified by his brother namely Navyugraj Khanna.

III. Statement of Navyugraj Khanna, i.e., brother of complainant being identifier has also been recorded on 10.05.2022 vide which he has stated that he identified to his brother Rajesh Khanna through video conference on mobile phone No.+1(515) 480-6045, and he placed on record copy of passport of his brother bearing No.K5746266 and employment authorization card issued by State of America.

2. On the basis of the above said statements, the report is submitted as under please:-

1. That the statement of complainant Rajesh Khanna is bonafide and is not result of any pressure or coercion etc. in any manner.

2. That the compromise effected between complainant Rajesh Khanna and accused persons namely Purab Khanna, Prabhat Khanna and Surinder Kumar is genuine and correct and the same is not the result of any fraud or misrepresentation and is result of free will of the parties.

3. It is pertinent to mention here that statements of accused/petitioners namely Purab Khanna, Prabhat Khanna Surinder Kumar, statement of injured/aggrieved/respondent have already been recorded on 20.04.2021, and statement of SI Jasbir Singh Investigating Officer has been recorded on 11.06.2021, and the learned Predecessor of this court has already sent report in this regard vide endorsement bearing no.387 dated 23.06.2021.”

A perusal of the allegations levelled in the FIR as well as the statements of the parties and the report submitted by the Trial Court shows that the dispute between the parties, who are relatives, is purely private in nature and has been amicably settled. This Court is of the view that the dispute does not have any adverse impact or deleterious effect on society.

Keeping in view the above development, report of the Trial Court and the judgment of 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 opinion that quashing of the criminal proceedings would go long way in restoring peace and harmony between the parties.

Accordingly, the petition is allowed. FIR No.102 dated 28.10.2016 registered under Sections 380, 447, 354, 506, 34 IPC at Police Station Bholath, District Kapurthala, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

10.10.2022
Kamal

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