

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-12028 of 2022
Date of decision:16.08.2022

Gurpreet Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vinod K. Kaushal, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Raman Kumar, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

On 22.03.2022, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.258 dated 06.12.2020, registered for offences under Sections 323, 341, 354 and 34 of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Rajasansi, District Amritsar Rural, Amritsar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of

compromise dated 03.03.2022, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that the FIR is an outcome of a petty dispute amongst co-villagers. He submits that the allegation leveled in the FIR is that the petitioners, who are brothers, attacked Sarabjit Kaur, Sarpanch, respondent No.3, who is the wife of complainant-respondent No.2, and inflicted injuries on her. He submits that in the altercation between the parties, the shirt of respondent No.3 got torn and there was no intention to outrage her modesty and offence under Section 354, IPC is not made out. He urges that the dispute has been settled by virtue of compromise, Annexure P-2, and the petitioners have not been declared as proclaimed offender nor are they involved in any other criminal case.

Notice of motion.

On asking of the Court, Mr. A.S.Gill, Senior DAG, Punjab accepts notice of behalf of respondent No.1-State. As per his instructions received from HC, Satwant Singh, after the conclusion of the investigation, the final report has been presented, charge has been framed and prosecution evidence is being recorded. Mr. Raman Kumar, Advocate has filed his Vakalatnama and has put in appearance on behalf of complainant-respondent No.2 as well as victim-respondent No.3. He has admitted the factum of compromise as well as the

statement made by the counsel for the petitioners.

The parties and the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 25.05.2022 or on any date thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 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 16.08.2022.”

Report has been received from the Trial Court pursuant to above reproduced order and its relevant extract is as under:-

“1(a) There are two accused named as Gurpreet Singh son of Gurmej Singh and Dilbagh Singh @ Bagha son of Gurmej

Singh involved in the present FIR.

(b) All the accused have appeared before the Court and made their statements.

(c) Neither any accused is absconded nor declared as proclaimed offender in the present case.

2. The name of the complainant is Gurdial Singh son of Jarnail Singh and the name of the injured/aggrieved is Sarabjit Kaur wife of Gurdial Singh. Both of them have appeared in the Court and made their statements in support of the compromise.

3. Presently, the trial is pending for prosecution evidence.

4. From the statements suffered by the victim, complainant, accused and the IO, it appears that the compromise is genuine, voluntarily and entered into out of the free will of the parties.

5. There is no other criminal case pending against the accused.”

It is evident that FIR (Annexure P-1), is an outcome of trivial dispute amongst co-villagers, which has been amicably settled.

In view of the above facts, report of the Trial Court and judgments of the 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 continuation of criminal proceedings would not serve any purpose, rather

setting them aside would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.258 dated 06.12.2020, registered for offences under Sections 323, 341, 354 and 34 of the Indian Penal Code, 1860 at Police Station Rajasansi, District Amritsar Rural, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

August 16, 2022

savita

(SUVIR SEHGAL)
JUDGE

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