

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

279

CRM-M-14050-2021

Date of decision:19.07.2022

Surta Ram and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.S. Sarwara, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Sanjay Khan, Advocate for
Mr. S.P.S. Chakkal, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL J. (ORAL)

On 26.03.2021, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.0022 dated 19.02.2021 (Annexure P-1) registered under Sections 313, 323, 148, 149 of Indian Penal Code, 1860 at Police Station Julkan, District Patiala alongwith all consequential proceedings arising therefrom, on the basis of the compromise dated 17.03.2021 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners submits that FIR is an outcome of a fight amongst the family relations and the ingredients of offence under Section 313 IPC, are not made out as miscarriage of the complainant/respondent No.2, was accidental. He has referred to para 4 of the affidavit filed by petitioner No.2 to submit that none of the petitioners have been declared as Proclaimed Offender by any Court.

Notice of motion.

On asking of the Court, Mr. Jagmohan Singh Ghuman, Deputy Advocate General, Punjab accepts notice on behalf of respondent No.1 and Mr.

S.P.S.Chakkal, Advocate, appears on behalf of respondents No.2 and 3. He has admitted the factum of compromise effected between the parties.

The parties and Investigating Officer are directed to appear before the Duty Magistrate/Illaqa Magistrate on 03.05.2021 for getting their statements recorded with regard to the compromise. The Duty Magistrate/Illaqa Magistrate shall submit the report on or before the next date of hearing. The report be forwarded to this Court 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 Duty Magistrate/Illaqa Magistrate be awaited for 11.08.2021.”

Report has been received from the trial court in deference to the above-said reproduced order and its relevant extract is as under:-

“1. The FIR in question has been registered u/s 313/323/148/149 IPC against 9 accused namely Surta Ram, Sukhwinder Singh @ Binda, Sunita, Ranjeet Singh @ Kala, Jyoti @ Rani, Seema, Sahil @ Shailu, Mamraj @ Raju and Babli and all the 9 accused mentioned in the FIR appeared before the court and have recorded their separate statements. Further, none of the aforesaid 9 accused have been declared proclaimed offender/absconding nor any such proceedings are pending against them.

2. The Complainant in the present case as per statement of investigating officer is Kuldeep Kaur and other injured/aggrieved apart from complainant are Bhag Singh and Kajal. All of them appeared before the court and have recorded their separate statements in support of compromise.

3. The case is still at the investigation stage and Challan report has not been presented against any accused in the court.

4. From the statement recorded by the parties, this court is satisfied that compromise between the parties is genuine and respondent/complainant Kuldeep Kaur, injured Bhag Singh, Kajal and petitioners/accused Surta Ram, Sukhwinder Singh @ Binda, Sunita, Ranjeet Singh @ Kala, Jyoti @Rani, Seema, Sahil @ Shailu, Mamraj @ Raju and Babli have entered into compromise voluntarily and with their free will and without any coercion or undue influence.

5. As per statement of Investigating officer and accused persons, there is no other criminal case pending against any of the accused.”

It is apparent from the above that the dispute arose between family relations, which has been amicably settled and keeping the criminal proceedings alive, will not serve any purpose.

In view of the above, report of the trial court as well as the judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, this Court has no hesitation in quashing the FIR, Annexure P-1.

Accordingly, petition is allowed. FIR No.0022 dated 19.02.2021 registered under Sections 313, 323, 148, 149 of Indian Penal Code, 1860 at Police Station Julkan, District Patiala, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

19.07.2022
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(SUVIR SEHGAL)
JUDGE

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