

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

**CRM-M-28119-2022 (O&M)
Date of Decision:14.11.2022.**

SUKHRAJ SINGH AND ORS

....Petitioners

VS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vinay Kumar, Advocate for the petitioners.

Mr. Kunwarbir Singh, Asstt. A.G., Punjab.

Mr. Abhinav Singh, Advocate for respondent No.2.

AMARJOT BHATTI, J. (Oral)

The petitioners have filed this petition under Section 482 Cr.P.C for quashing of FIR No.65 dated 07.07.2020 registered under Sections 354-B, 323, 447, 511, 34 IPC 1860 at Police Station Fatehgarh Churian, District Batala (Annexure P-1) alongwith all subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

Brief facts of the case are that the aforesaid FIR was registered on the statement of respondent No.2/complainant-Lashmi wife of Surain Singh, who stated that she had landed property which was sold due to family circumstances. Some part of the land sold to Sawinder Singh and his family members. Prior to that the land was subject to mortgage and it was got redeemed. The complainant party suspected that Sawinder Singh was using their 4 ½ kanal of land. On this her son Bhuta Singh vide application dated 19.06.2020 before Sub Registrar, Fatehgarh Churian

applied for demarcation of land. The land was demarcated by the Revenue Agency and it was revealed that out of 22 kanal 3 marlas of land, the land owned by Sawinder Singh came out to be 17 kanal 06 marlas and remaining 04 kanal 17 marlas of land belonged to them. After demarcation, the aforesaid petitioners tried to take forcible possession of their land on 02.07.2020 at about 7:30am. The complainant party tried to resist on this. She was beaten up and her clothes were torned and she was insulted in public. With these allegations, the present FIR was registered.

Notice of this petition was given to the respondents. The petitioners came to this Court on the basis of compromise and the counsel for respondent No.2 also admitted the factum of compromise. The parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements regarding the said compromise. The detailed report of learned Judicial Magistrate, 1st Class, Batala dated 05.08.2022 has filed.

As per the report, all the accused mentioned in the FIR are party to this petition and none of them have been declared as proclaimed offender. After recording the statements of all the parties, the learned Judicial Magistrate 1st Class, Batala came into conclusion that this compromise has been effected without any pressure or coercion and the same is genuine. It was further clarified that no criminal proceedings are pending against any of the accused except the present FIR.

Learned Assistant A.G., Punjab does not dispute the factum of compromise arrived at between the parties.

I have heard learned counsel for both the parties and have gone through record carefully.

In the case in hand, the FIR was registered under Section 354-B, 323, 447, 511/34 IPC out of which the offence under Section 323 IPC is compoundable with the consent of aggrieved party and offence under Section 447 is compoundable with the permission of the Court as provided under Section 320 of Cr.P.C. whereas the offence under Section 354-B and 511 IPC are non-compoundable.

The perusal of the statements of the petitioners on the one hand and respondent No.2-Lashmi on the other hand, clearly indicates that both the parties are residents of Village Jhanjian Khurd, District Gurdaspur. The matter has been compromised with the intervention of respectable persons of the village. No other litigation is pending between the parties. The dispute had arisen due to the land dispute. Finally, both the parties have amicably settled their disputes. Therefore, no purpose would be served to continue the criminal proceedings in the aforesaid FIR. This compromise will enable the parties to live in harmony and it will restore tranquility in the society. Therefore, by relying upon the authority state in **2003 (2) RCR (Criminal) 888** Supreme Court of India titled as ***B.S. Joshi Singh and others Vs. State of Haryana and Another*** where it was explained that Section 320 Cr.P.C. would not be barred to exercise the powers of quashing of non-compoundable offence. It was further explained that the High Court may quash the proceedings, where parties have settled their disputes. Therefore, considering the aforesaid factual position, the present petition filed by the petitioners is allowed and the FIR No.65 dated 07.07.2020 registered under Sections 354-B, 323, 447, 511, 34 of IPC at Police Station Fatehgarh Churian, District Batala alongwith all subsequent proceedings arising out of the same are quashed qua the

petitioners.

The petition stands disposed of accordingly.

14.11.2022

pry

(AMARJOT BHATTI)
JUDGE

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