

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

266

CRM-M-27796 of 2019
Date of decision:01.12.2022

Gagandeep Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raman Kumar, Advocate for
Mr. Rajeev K. Kapila, Advocate
for the petitioner.

Mr. P.S.Grewal, DAG, Punjab.

Ms. Kulwinder Kaur, Advocate for
Ms. Suminder Deep Kaur, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0260 dated 02.10.2018 registered for offences under Sections 354, 354-B, 323, 506 of Indian Penal Code, 1860, at Police Station City Kharar, District SAS Nagar (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of mutual compromise dated 12.06.2019 (Annexure P-2).

Counsel for the petitioner submits that the petitioner and complainant were residing in same premises and FIR (Annexure P-1), has

been registered due to some misunderstanding between the parties, which has been cleared and matter has been settled, vide compromise (Annexure P-2). He submits that the parties have appeared before the Trial Court in compliance of the order passed by this Court and their statements in support of the settlement, have been recorded.

Upon instructions, State counsel submits that final report has been presented, charge has been framed, but no prosecution witness has been examined.

Counsel representing the complainant-respondent No.2 has supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 27.11.2019, this Court directed the parties to appear before the Trial Court/Area Magistrate/Duty Magistrate for getting their statements recorded and a report was called for regarding genuineness of the compromise, as also as to whether any party has been declared as Proclaimed Offender. Report has been received and its relevant extract is as under:-

“In compliance with the aforesaid order, parties appeared on 16.12.2019 and complainant namely Akashdeep Kaur @ Naju got recorded her statement stating that the FIR has been registered on the basis of her statement against accused namely Gagandeep Singh. Now, with the intervention of respectables, she has compromised the matter with the accused person. The said compromise is without any threat,

force and coercion. She has no objection if the present FIR alongwith other consequential proceedings be quashed against the above said accused person.

Similarly, petitioner-accused Gagandeep Singh has got recorded his statement to the effect that the matter has been compromised. The said compromise is without any threat, force, coercion. The said FIR alongwith other consequential proceedings may kindly be quashed against him.

ASI Avtar Singh got recorded his statement to the effect that he is Investigating Officer of FIR No.260 dated 02.10.2018, under Sections 354, 354-B, 323, 506 IPC, P.S.City Kharar, District SAS Nagar, and there is only one accused namely Gagandeep Singh and none of the accused person has been declared proclaimed person by this Court nor any PO proceedings are pending against him. This Court is satisfied that aforesaid statements made by complainant and accused are voluntarily and without any threat or any undue influence.”

An examination of the allegations and report shows that dispute between the parties is purely personal in nature, which has been amicably settled. This Court is of the view that settlement between the parties would go long way in bringing peace and harmony..

In view of the above and the judgment of Supreme Court in

Shiji @ Pappu and others Versus Radhika and another 2012(1) RCR

(Criminal) 9, this Court is of the opinion that because of the settlement, possibility of conviction of the accused is remote.

Accordingly, the petition is allowed. FIR No.0260 dated 02.10.2018 registered for offences under Sections 354, 354-B, 323, 506 of Indian Penal Code, 1860, at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

December 01, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes