

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(119+249)

CRM-M-32334-2020 (O&M)
Date of Decision:- 30.03.2022

Shamsher Singh alias Shera and others
VERSUS
State of Punjab and another

...Petitioners
...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gurcharan Dass, Advocate for the applicants-petitioners.

Mr. P.S.Walia, AAG, Punjab for the State-respondent No1.

Mr. M.S.Rana, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-11695-2021

Prayer in the application is for placing on record the amended petition.

On an oral request made by counsel for the applicants-petitioners, the petitioners are permitted to amend the petition.

Amended petition is taken on record.

Application is allowed.

CRM-M-32334-2020

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.159 dated 01.11.2017, registered for offences under Sections 354 and 34 of the Indian Penal Code, 1860, at Police Station Gharinda, District Amritsar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 19.08.2020, Annexure P-2, arrived at between the parties.

FIR, Annexure P-1, has been registered on the statement of a housewife, Rajwant Kaur, respondent No.2, on the allegation that in the morning on 26.10.2017, Shamsheer Singh @ Shera, Baljit Singh @ Babba, their father, Lakhbir Singh @ Bui, and Balwinder Singh along with two unidentified persons came to her house and raised a commotion while enquiring about her husband. Even though her husband was at home, the complainant told them that he had gone out. Upon this, Shamsheer Singh @ Shera outraged her modesty and his father, Lakhbir Singh @ Bui threatened to parade her naked in the street. The complainant raised an alarm and her husband came out, whereupon, all the accused fled away while extending threats to eliminate them. The motive behind the attack was a dispute over possession of agricultural land.

Counsel for the petitioners submits that as is evident from the perusal of the FIR, there was a property dispute between the parties and a false complaint has been submitted against the petitioners to settle scores with them. Counsel submits that the dispute has been settled by virtue of compromise, Annexure P-2, which is supported with an affidavit dated 19.08.2020, Annexure P-3, of petitioner No.1. He submits that the parties have appeared before the Trial Court pursuant to order passed by this Court. Still further, he submits that even the land dispute has been harmoniously settled with the intervention of the Gram Panchayat.

Upon instructions received from ASI, Rasal Singh, State counsel submits that investigation has been concluded, final report has been presented and charge has been framed in October, 2018, but no prosecution witness has been examined.

Counsel representing the complainant-respondent No.2 has supported the stand of counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 12.10.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate and get their statements recorded regarding the factum of compromise and a report was called for from the Court. Report has been received and its relevant extract is as under:-

“From the statements of the petitioners/accused and the complainant/respondent, this Court is of the opinion that their compromise is genuine, voluntary and without any coercion or undue influence. Except complainant, Rajwant Kaur, there is no other affected person in this case.”

The dispute between the parties, who were co-villagers, is a private one and has been amicably settled by virtue of compromise. The Trial Court has reported that the compromise is genuine and this Court has no inhibition in accepting the same.

In view of the judgment 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 Gujrat and another (2017) 9 SCC 641***, this Court is of the view that keeping the criminal proceedings pending will not serve any purpose as the chances of conviction of the accused are bleak and setting them aside will bring peace and harmony among warring co-villagers.

Petition is allowed.

FIR No.159 dated 01.11.2017, registered for offences under Sections 354 and 34 of the Indian Penal Code, 1860, at Police Station Gharinda, District Amritsar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

30.03.2022
Kamal

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