

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(257)

CRM-M-32534-2020
Date of Decision:- 20.05.2022

Kanwaljit Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. K.B.S.Mann, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for the State-respondent No.1.

Mr. H.S.Oberoi, Advocate for
Mr. Nitin Rampal, Advocate for the 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.93 dated 12.09.2018, Annexure P-1, registered at Police Station Bariwala, Sri Muktsar Sahib for offences under Sections 451 (deleted later), 294, 509, 323, 452 (added later), 325 of the Indian Penal Code, 1860 (for short "IPC"), along with all subsequent proceedings arising therefrom, on the basis of compromise dated 09.04.2019, Annexure P-2, arrived at between the parties.

FIR, Annexure P-1, has been lodged on the statement of Sukhjit Kaur-complainant/respondent No.2 on the allegation that Kanwaljit Singh, present petitioner, came to her house enquiring about her sons, Harman and

Amandeep Singh. On being told that they have gone out, he assaulted her and she sustained injuries on her leg and foot. When she raised an alarm, her sons saved her and took her to a hospital. The motive behind the incident is previous enmity between the parties.

Counsel for the petitioner submits that the dispute between the parties is a personal one and has been settled by virtue of compromise, Annexure P-2, which is supported with an affidavit dated 16.09.2020, Annexure P-3, executed by the complainant. He submits that the parties are residents of the same village and the compromise has been effected with the intervention of the respectables. Counsel submits that the parties have appeared before the Trial Court in compliance of order passed by this Court.

Upon instructions received from ASI, Rajpal Singh, State counsel submits that the petitioner is the sole accused and the matter is under investigation.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise and supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 04.11.2020, this Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded with regard to the compromise and a report was called for regarding the genuineness of the compromise etc., which has been received and its relevant extract is as under:-

“After going through the various statements on record, it is clear that both parties have effected compromise. The undersigned is of the view that the compromise is genuine, voluntary and without any coercion or undue influence. The present compromise appears to have been effected with the intervention of respectable persons and to avoid future litigation. Further, from the above mentioned statements and from the statement of IO, namely, ASI, Balwinder Singh, No.158/SMS, it is clear that none of the accused has been declared proclaimed offender in any criminal case. No criminal case is pending against accused-Kanwaljit Singh son of Sukhdev Singh R/o village Randhawa Seerwali, Tehsil and District Sri Muktsar Sahib.”

From the above, it is apparent that the dispute between the parties is a private one, which has been amicably settled. Keeping in view the judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543***, this Court is of the opinion that setting aside criminal proceedings will bring about peace and harmony amongst the parties, who are co-villagers.

Accordingly, petition is allowed. FIR No.93 dated 12.09.2018, Annexure P-1, registered at Police Station Bariwala, Sri Muktsar Sahib for offences under Sections 451 (deleted later), 294, 509, 323, 452 (added later), 325, IPC, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

20.05.2022
Kamal

(SUVIR SEHGAL)
JUDGE

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