

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

252-2

CRM-M-33289-2020

Date of decision:18.04.2022

Darshan Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Neeraj Madaan, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Vaibhav Nagori, Advocate
for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.94 dated 30.07.2019 registered under Sections 324, 323, and 34 of IPC, 1860, Annexure P-1, at Police Station Sadar Jalalabad, District Fazilka, along with all consequential proceedings arising therefrom, on the basis of compromise dated 18.09.2020, Annexure P-2.

Counsel for the petitioners submits that FIR, Annexure P-1, has been registered by the complainant/respondent No.2 on the allegation that the petitioners, who are his neighbours, have made some unauthorized construction over a drain, which results in the blockage of rain water leading to the flooding of their house. Allegation has been levelled that an altercation took place between the parties and injuries were inflicted by the petitioners on the complainant. Four days after

lodging of the FIR, DDR bearing No.42 was lodged on the statement of Paramjeet Kaur, petitioner No.2 alleging that the complainant indulged in obscene activity, tore her clothes and outraged her modesty. Counsel submits that the dispute between the parties is personal in nature and has been settled by way of a compromise, Annexure P-2, which is supported by an affidavit, Annexure P-3, of the complainant. He submits that the parties have appeared before the Court below in support of the compromise and their statements have been recorded.

Upon instructions from ASI Balkar Singh, State counsel submits that there are 04 accused in the FIR and 02 accused in the cross-version and matter is under investigation.

Counsel representing the complainant/respondent No.2 has admitted the factum of compromise and has submitted that civil litigation was also pending between the parties, which has been withdrawn on the basis of compromise, Annexure P-2.

Heard counsel for the parties.

Vide order dated 18.11.2020, this Court directed the parties to appear before the Area Magistrate/Trial Court for getting their statements recorded qua the execution and veracity of the alleged compromise.

Report has been received from the trial court, wherein it has been submitted that the compromise is genuine and has been entered into without any coercion. It has also been reported that none of the petitioners have been declared as Proclaimed Offender. Still further, the trial court has submitted as under:-

“(i) Whether there is/are any other accused except the petitioners.

There is no other accused except the petitioners.

(ii) Whether apart from the complainant (respondent No.2), if there is any other aggrieved party.

There is only one aggrieved/injured namely Mangaljeet Singh and there is no any other aggrieved party.”

FIR, Annexure P-1, is an outcome of a minor altercation between the neighbours, which has been settled by virtue of compromise, Annexure P-2. The dispute is purely private in nature. Keeping in view the judgments of the Supreme Court in ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinghbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641***, this Court is of the opinion that prolonging the criminal proceedings will not serve any purpose and the chances of conviction of the accused are remote.

Accordingly, petition is allowed. FIR No.94 dated 30.07.2019 registered under Sections 324, 323, and 34 of IPC, 1860, Annexure P-1, at Police Station Sadar Jalalabad, District Fazilka, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

18.04.2022

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(SUVIR SEHGAL)
JUDGE

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