

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-39252 of 2021
Date of decision:07.12.2022

Kashmir Singh @ Setha and others ... Petitioners

Vs.

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jogendra Pundir, Advocate for
Mr. Ashok Giri, Advocate
for the petitioners.

Mr. Jashanpreet Singh, DAG, Punjab.

Mr. Ravi Rana, Advocate
for respondents No.2 to 4.

SUVIR SEHGAL, J. (Oral)

On 20.07.2022, this Court passed the following order in the
main case:-

*“Instant petition has been filed under Section 482
Cr.P.C., seeking quashing of FIR No.181 dated 01.11.2019
registered under Sections 307, 458, 354, 427, 323, 324, 506,
148, 149 of Indian Penal Code, 1860 and Sections 25, 27 of
Arms Act, 1959 at Police Station Ajnala, District Amritsar
(Annexure P-1) and all subsequent proceedings arising
therefrom on the basis of compromise dated 09.12.2019*

(Annexure P-2).

Counsel for the petitioners submits that altercation took place between the parties on account of party faction in the village. He submits that the petitioner and private respondents are co-villagers and they have amicably settled the dispute by virtue of compromise (Annexure P-2). By referring to report (Annexure P-5), counsel submits that offences under Sections 307, 458 IPC and Sections 25, 27 of Arms Act, 1959, have been deleted. Insofar as offence under Section 354 IPC is concerned, counsel submits that a perusal of allegations levelled in the FIR shows that there was no intention to outrage the modesty of the lady.

Upon instructions from ASI Arvinder Singh, State counsel submits that deletion has been carried out, vide GDR No.35 dated 14.07.2022, though he submits that the matter is under investigation.

Counsel representing the complainant-respondent No.2 and injured-respondents No.3 and 4 has admitted the factum of compromise and does not dispute the statement made by counsel for the petitioner.

The parties and Investigating Officer are directed to appear before the Trial Court/Area Magistrate on 22.09.2022 or on any day thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the

compromise. The Trial Court/Area Magistrate shall submit a report specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Trial Court/Area Magistrate be awaited for 07.12.2022.”

Report has been received from the Trial Court pursuant to above reproduced order and its relevant extract is as under:-

“1) In the present case there are seven accused namely Kashmir Singh @ Setha, Kuldip Singh, Mangal Singh, Gurmukh Singh, Gagandeep Singh @ Gaganpreet Singh, Sukhjit Singh and Kashmir Singh detailed above arrayed as accused in FIR. All of the accused persons have appeared and suffered statement in support of compromise. The accused

persons have not been declared as proclaimed offender as per the statement of IO and accused.

2) Statement of the IO had been recorded and as per his statement, there is one complainant namely Joginder Singh and aggrieved parties are complainant Joginder Singh and injured Kala Singh & Paramjit Kaur. All have appeared and suffered statement in support of compromise.

3) No trial has commenced and in the present case, only FIR is pending.

4) As per the statement of the parties, the compromise is genuine, voluntary and without any coercion or undue influence.

5) There is no other criminal case pending against the accused as per statement of IO and accused.”

Facts reveal that altercation between the parties took place due to some minor issue, which has been amicably settled. Parties, who are co-villagers, have decided to give quietus to the dispute and lead a peaceful life. This Court is of the opinion that quashing of the criminal proceedings will go long way in bringing about harmony in the village.

Keeping in view the above developments, report of Trial Court and judgments of 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 Gujarat and another**

(2017) 9 SCC 641, this Court has no hesitation in exercising inherent power under Section 482 Cr.P.C..

Accordingly, the petition is allowed. FIR No.181 dated 01.11.2019 registered under Sections 307, 458, 354, 427, 323, 324, 506, 148, 149 of Indian Penal Code, 1860 and Sections 25, 27 of Arms Act, 1959 at Police Station Ajnala, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua petitioners.

December 07, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes