

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30586-2019 (O&M)

Date of decision : 05.09.2022

Rajanbir Singh and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. P.B.S. Goraya, Advocate
for the applicants-petitioners in CRM-6431-2021.

Mr. Ankit Kharbanda, Advocate
for the petitioners in CRM-M-30586-2019.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Kuldeep Singh, Advocate for
Mr. Sumeet Singh Arora, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

CRM-6431-2021

The instant application has been filed by Manjit Kaur wife of Nirankar Singh @ Bau claiming herself to be a necessary party.

On joint request made by counsel for the parties, the application is taken on board today itself.

Mr. Goraya submits that in fact the case under Section 447/506 IPC was registered w.r.t. trespassing the Panchayat land. He does not dispute the fact that on the day the offence is alleged the land was under lease with respondent No.2. Axiomatically it can be said that it was respondent No.2 who was in exclusive possession of the Panchayat land. Thus, the victim as well as the complainant viz-a-viz offence punishable under Sections 447/506 IPC for all intents and purposes would be respondent No.2 only.

In view of the aforesaid fact applicant cannot be impleaded as necessary or proper party as she cannot be said to be victim qua the FIR in question nor is she admittedly the complainant.

Consequently, the present application stands dismissed.

CRM-M-30586-2019

By way of present petition, the petitioners are seeking quashing of FIR No.0140 dated 05.08.2018, registered for the offences punishable under Sections 447 and 506 of IPC at Police Station Majitha, Amritsar Rural, Amritsar, on basis of compromise dated 01.07.2019 (Annexure P-2).

On 19.07.2019, the following order was passed:-

“This petition has been filed seeking quashing of FIR No. 0140 dated 05.08.2018, registered for the alleged commission of offences punishable under sections 447/506 of the IPC, at Police Station Majitha, District Amritsar (Rural), as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent no 2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

On the asking of the Court, Mr. A.P.S. Gill, D.A.G., Punjab, accepts notice on behalf of respondent no. 1.

Mr. Sumeet Singh Arora, Advocate, appears and accepts notice on behalf of respondent no. 2 and has filed his power of attorney in Court today which is taken on record.

Requisite number of copies of the petition be handed over to learned counsel for the respondents during the course of the day.

Adjourned to 11.09.2019.

In the meanwhile, the petitioners as also respondent no. 2, would appear before the learned Area Magistrate up-to 08.08.2019, to record their statements. That court would satisfy itself with regard to the authenticity of the compromise reached and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

The Area Magistrate would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Learned State counsel would also determine as to whether any other criminal cases of like nature or otherwise, are pending against the petitioners.”

Pursuant to the aforesaid order, report from JMJC, Amritsar dated 05.05.2019 has been received, which is taken on record. As per the report, the trial Court has recorded as follows:-

“XX XX XX

2. In compliance with the above mentioned Criminal Miscellaneous, statement of complainant Shamsher Singh has been recorded, who has averred that the matter at hand has been compromised with the accused persons and statement has been given by him without any coercion, threat or pressure. Copy of his Aadhar Mark A, in proof of his identity, is appended herewith.

On the other hand, statements of accused Rajanbir Singh, Gurkeerat Singh. Manrpeet Singh, Tarsem Singh and Gurpreet Singh has also been

recorded, who have averred that the matter at hand has been compromised with the complainant and statement given by them is without any coercion, threat or pressure. Copies of their Aadhar cards are mark B,C,D,E and F in proof of their identity, which are appended herewith.

IO/ASI Tarsem Singh also came present and made a separate statement that there are only five accused in the case at hand and they are not involved in any other FIR. None of the accused was declared as proclaimed offender.

In these circumstances, I am of the view that the compromise between the parties has been arrived at voluntarily, is genuine and bonafide and not a result of pressure or coercion.”

Mr. Kuldeep Singh, Advocate for Mr. Sumeet Singh Arora, Advocate, appears for respondent No.2 and admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioner are quashed.

Similarly, learned State counsel has stated no objection in case the FIR is quashed based upon the compromise entered between the parties.

Keeping in view the fact that offences punishable under Sections 447 and 506 of the IPC under which the petitioners have been booked are compoundable and compromise has been effected, the present petition is allowed. FIR No.0140 dated 05.08.2018, registered for the offences punishable under Sections 447 and 506 of IPC at Police Station Majitha, Amritsar Rural, Amritsar, and all proceedings arising therefrom, are, hereby, quashed qua the petitioners.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

05.09.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No