

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

CRM-M-45142 of 2021
Date of decision:10.08.2022

Parvinder Singh @ Dharminder Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. C.S.Singh, Advocate for
Ms. Silvi Katoch, Advocate
for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No.0027 dated 08.04.2018 registered under Section 354-D of Indian Penal Code, 1860, however, Sections 504 and 506 IPC were added later on, at Police Station Kheri Gandia, District Patiala (Annexure P-1) and all other subsequent proceedings arising therefrom, on the basis of compromise deed dated 01.09.2018 (Annexure P-2).

Counsel for the petitioner submits that FIR (Annexure P-1), which has been lodged by the complainant-respondent No.2, is an outcome of misunderstanding between the parties. He submits that petitioner and

private respondents are co-villagers and they have settled their dispute, vide compromise (Annexure P-2) with the intervention of Panchayat. He submits that complainant-respondent No.2 is now married and is staying at her matrimonial home.

Upon instructions from ASI Sukhdev Singh, State counsel submits that the prosecution evidence is underway. He has further instructions to state that the petitioner is not involved in any other criminal case.

Counsel representing the complainant-respondent No.2 and her mother-respondent No.3 has admitted the factum of compromise and has no objection in case the prayer made in the petition is acceded to.

Heard counsel for the parties.

Vide order dated 18.02.2022, this Court directed the parties to appear before the Trial Court/Illaq Magistrate for recording of their statements in support of the compromise and a report was called for, on the following aspects:-

- i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;
- ii. Whether any of the accused has been declared a Proclaimed Offender;
- iii. The stage of trial/proceedings;
- iv. If the compromise so arrived at between the parties is

genuine, voluntarily and out of free will.

Report has been received from the Trial Court and its relevant extract is as under:-

“5. Since, the matter has been compromised by complainant Gurpreet Kaur daughter of Tarsem Singh with the accused person namely Parwinder Singh @ Dharminder Singh, voluntarily, without any pressure, coercion or threat from any side, who has no objection in quashing of FIR against accused person on the basis of compromise deed dated 11.09.2018, therefore, compromise is complete and appears to be good in the eyes of law. As per report U/s 173 Cr.P.C., only one person namely Parwinder Singh alias Kaka has been arraigned as accused and was never declared as absconding a Proclaimed Offender in the instant FIR. The statement of accused Parwinder Singh @ Dharminder Singh @ Kaka has been recorded qua compromise. Gurpreet Kaur is the only affected/aggrieved party, whose statement qua compromise is recorded. Her statement supports the factum of compromise. The trial of instant FIR is at stage of prosecution evidence.”

It is evident from the above that FIR (Annexure P-1) is an outcome of dispute, which is private in nature, parties are co-villagers and with the intervention of Panchayat in order to maintain peace and harmony, dispute has been amicably settled.

In view of the above, report of the Trial Court and judgments of the Supreme Court in **Narinder Singh and others Vs. State of Punjab and another (2014) 2 RCR (Criminal) 482** 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 quashing the impugned FIR.

Accordingly, the petition is allowed. FIR No.0027 dated 08.04.2018 registered under section 354-D of Indian Penal Code, 1860, however, Sections 504 and 506 IPC were added later on, at Police Station Kheri Gandia, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

August 10, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes