

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(265)

CRM-M-43635-2020
Date of Decision:- 25.05.2022

Daljit Singh and others

...Petitioners

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Varinder Basa, Advocate for the petitioners.

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

Mr. Yaseen Sethi, Advocate for respondents No.2 and 3.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.104 dated 30.07.2019, registered for offences under Sections 326, 323, 324, 354, 148, 149 and 506 of the Indian Penal Code, 1860, at Police Station Sadar Batala, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 18.12.2019, Annexure P-2, arrived at between the parties.

By making a reference to the allegations levelled in the FIR, counsel for the petitioners submits that an altercation took place between the parties when petitioner No.1 was asked to hand back possession of agricultural land given to him for cultivation. Counsel submits that petitioner No.1 along with other accused-petitioners, attacked the

complainant-respondent No.2 and in the process, Baljit Kaur, respondent No.3, also sustained injuries. Counsel submits that the accused, complainant and injured are closely related to each other and the dispute, which is a personal one, has been settled by virtue of compromise, Annexure P-2. Counsel submits that the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Upon instructions received from ASI, Balkar Singh, State counsel submits that the matter is at the stage of investigation.

Counsel representing complainant-respondent No.2 and injured-respondent No.3 has supported the prayer made in the petition and has admitted the factum of compromise between the parties.

Heard counsel for the parties.

Vide order dated 23.12.2020, this Court directed the parties to appear before the Trial Court, get their statements recorded and a report was called for from the Court concerned on the following points:-

- “i) regarding genuineness and voluntary nature of the compromise;*
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and*
- iii) whether any other proceeding is pending against the accused/petitioners.”*

Report has been received and its relevant extract is reproduced as under:-

“This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of ASI, Pargat Singh No.2235/Btl, Police Station Sadar Batala recorded. He stated that this FIR was registered against six accused and all appeared in the Court for recording (sic of) statement. He further stated that no other complaint/FIR is pending/registered against accused persons at P.S. Sadar Batala.”

A perusal of the FIR, Annexure P-1, shows that it is an outcome of a dispute, which is a private one and the parties, who are related, have settled the same by way of a compromise.

In view of the above as well as the report of the Trial Court and the judgment of Supreme Court in ***Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641***, this Court has no hesitation in quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.104 dated 30.07.2019, registered for offences under Sections 326, 323, 324, 354, 148, 149 and 506 of the Indian Penal Code, 1860, at Police Station Sadar Batala, District Gurdaspur, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

25.05.2022
Kamal

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