

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(240)

CRM-M-49027-2021
Date of Decision:- 11.03.2022

Khushwant Singh

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

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

Mr. Rajat Dogra, Advocate for the respondents No.2 to 4.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.157 dated 07.11.2021, registered for offences under Sections 354, 354-B, 509, 279, 337, 338 and 427 of Indian Penal Code, 1860 at Police Station Jaito, District Faridkot (Annexure P-1) along with all consequential proceedings arising therefrom, on the basis of the compromise dated 15.11.2021 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner submits that the allegation in the FIR (Annexure P-1) is that after a vehicular accident, driver of the offending vehicle, who is a Government employee, under the influence of the liquor,

called 8-10 unidentified persons, who physically assaulted the complainant and her relatives and also tried to outrage the honour of the lady. Counsel submits that the allegation attracting offence under Sections 354 and 354-B, IPC, which is false, has been levelled against the said unidentified persons. He submits that dispute has arisen due to a minor collusion between two cars, is essentially personal in nature and has been settled by virtue of compromise (Annexure P-2). Still further, by referring to para 13 of the petition, he submits that the petitioner has not been declared as Proclaimed Offender. Counsel for the petitioner submits that the statements of the parties have been recorded in support of the compromise, pursuant to order passed by this Court.

Upon instructions received from ASI, Gurdeep, State counsel submits that the matter is under investigation.

Mr. Rajat Dogra, Advocate, who is appearing for the complainant-respondent No.2 and victims-respondents No.3 and 4, has admitted the factum of compromise and submits that he does not have any objection in case the FIR is quashed.

Heard counsel for the parties.

Vide order dated 24.11.2021, this Court directed the parties and Investigating Officer to appear before the Trial Court/Area Magistrate and get their statements recorded with regard to the compromise. A report was called for, which has been received and its relevant extract is reproduced as under:-

“As per the statement of the parties, the point wise report is as below:-

1. *Number of the accused arraigned in the FIR and how many appeared before it and have made statements and whether any accused is absconding/PO in the case;*

In the present FIR, one accused was named, who is petitioner, and 8-10 unidentified persons are there as per the statement of the IO. Only named accused appeared before the undersigned and made the statement. No accused is absconding/PO in this case as per the statement of the IO.

2. *Name of the complainant and injured/aggrieved and whether all of them appeared and made their statements in support of the compromise;*

The name of the complainant is Sarabjit Kaur and injured/aggrieved are Sumit Singh and Akanksha, who are son and daughter-in-law of the complainant. They all three appeared before the undersigned and make (sic made) their statements in support of the compromise.

3. *The stage of trial/proceedings;*

No proceeding is pending in the Court. Only FIR has been received in the Court. As per the statement of the IO, the case is at initial stage.

4. *If the compromise is genuine, voluntary and out of free will of the parties;*

As per the statement of the parties appeared in the Court, the compromise copy of which is Ex.CX is voluntary, genuine and arrived at out of their will without any pressure.

5. *Whether the accused is involved in any other criminal case;*

As per the statement of the IO, petitioner, Khushwant Singh, is not involved in any other case.”

Keeping in view the fact that the dispute primarily is a private one, which has been settled by virtue of a compromise, and in view of the judgment of the Supreme Court in ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court is of the view that the continuation of criminal proceedings will not serve any purpose.

Accordingly, the petition is allowed. FIR No.157 dated 07.11.2021, registered for offences under Sections 354, 354-B, 509, 279, 337, 338 and 427 of Indian Penal Code, 1860, at Police Station Jaito, District Faridkot (Annexure P-1) along with all subsequent proceedings arising therefrom, is quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

11.03.2022
Kamal

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