

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

272+116

**CRM-M-41833-2019 (O&M)
Date of decision: 30.11.2022**

Sarup Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. S.S. Rangi, Advocate for the petitioner and
Petitioner-Sarup Singh in person.

Mr. Pankaj Khullar, AAG Punjab.

Mr. S.S. Tiwana, Advocate for respondent No.2 and
Respondent No.2-Jagtar Singh in person.

HARNARESH SINGH GILL, J. (ORAL)

CRM-8874-2020

Payer in the application is for adding Sections 447 and 201 IPC in the head note and prayer clause of the petition. The application is duly supported by an affidavit.

Learned counsel for the applicant-petitioner submits that Sections 447 and 201 IPC were added subsequently and therefore, the same could not be mentioned in the petition and prays to add the same in the head note and prayer clause of the petition.

Notice in the application.

Learned State counsel and learned counsel for respondent No.2 accept notice and submit that they have no objection, if the application is allowed.

In view of the above, the application is allowed. Registry is directed to do the needful.

CRM-8878-2020

Prayer in the application is for placing on record the report dated 01.05.2018 issued by the Deputy Commissioner, Patiala and dated 04.03.2020 issued by the Naib-Tehsildar, Bhadson, as Annexures P-5 and P-6 respectively. The application is duly supported by an affidavit.

Notice in the application.

Learned State counsel and learned counsel for respondent No.2 accept notice and submit that they have no objection, if the application is allowed.

In view of the above, the application is allowed. Annexures P-5 and P-6 are taken on record.

CRM-45741-2022

Prayer in the application is for placing on record the MAP as Annexure A-1. The application is duly supported by an affidavit.

Notice in the application.

Learned State counsel and learned counsel for respondent No.2 accept notice and submit that they have no objection, if the application is allowed.

In view of the above, the application is allowed. Annexure A-1 is taken on record.

Main case:

Through this petition, the petitioner seeks quashing of FIR No.15 dated 23.01.2019, registered under Section 379 IPC and Sections 447, 201 IPC added subsequently, at Police Station Bhadson, District Patiala, and all the subsequent proceedings arising therefrom, on the basis of compromise.

In compliance of the order dated 27.09.2019 passed by the Court, the petitioner and the complainant are present in the Court, and do not dispute

the factum of compromise effected between them.

Learned counsel for the petitioner has drawn the attention of this Court towards the report dated 01.05.2018 of the Deputy Commissioner, Patiala, forwarded to the Chief Minister, wherein it has been stated that as per the complaint preferred by ex-Sarpanch, Jagtar Singh (respondent No.2), the trees of 'Neem' and 'Barota' were cut down by ex-Sarpanch Sarup Singh (petitioner) during his tenure, qua which respondent No.2 during his tenure has given a Panchayat Resolution dated 07.06.2010 to the BDPO but as the petitioner belongs to 'Akali Dal' and at that time ruling party was 'Akali Dal', no action was taken against him. But after enquiry on the complaint and perusal of record, it was found that the complaint was filed after a delay of 08 years, which seems to be presented due to personal enmity and the cancellation of the same was recommended.

Learned counsel for the petitioner submits that the petitioner and respondent No.2 are the residents of same village and now with the intervention of the respectable of the village, the matter has been compromised between the parties on 17.09.2019.

Learned counsel for respondent No.2 does not dispute the factum of compromise.

Learned State counsel also does not dispute the factum of compromise and the fact that after enquiry on the complaint of respondent No.2 and perusal of available record, the Deputy Commissioner had drawn a conclusion that the complaint was filed after a delay of 08 years and as no evidence was found against the petitioner, the cancellation of the same was recommended.

I have heard the learned counsel for the parties and have also gone through the documents on record.

As per the affidavits dated 09.10.2019 executed by the petitioner and respondent No.2 and admitted by them before this Court, the matter has been compromise between them on 17.09.2019 within the intervention of the respectable of the village, which is genuine, voluntary and without any coercion or undue influence.

Since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue.

Accordingly, the petition is allowed. FIR No.15 dated 23.01.2019, registered under Section 379 IPC and Sections 447, 201 IPC added subsequently, at Police Station Bhadson, District Patiala and all subsequent proceedings arising therefrom, are hereby quashed qua the petitioner, on the basis of affidavits executed by the petitioner and the complainant, dated 09.10.2019 (Annexure P-4), subject to depositing the costs of Rs.15,000/- by the petitioner with the Poor Patient Welfare Fund (PPWF) of Post Graduate Institute of Medical Education & Research Chandigarh.

Needless to say that the parties shall remain bound by the terms of compromise and their statements made in the Court below.

(HARNARESH SINGH GILL)

JUDGE

30.11.2022

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No