

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

264

CRM-M-53689-2021

Date of decision:05.04.2022

Swarnjit Kaur and others

... Petitioners

Vs.

The State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Madan Sandhu, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Shivam Chaudhary, Advocate for
Mr. Sanpreet Sandhu, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

On 22.12.2021, this Court passed the following order:-

“Prayer in this petition is for quashing of FIR No.69 dated 01.04.2016 under Sections 323, 380, 427, 506, 452, 148, 149 IPC, 1860, (offence under Sections 354, 325, 420 IPC was added in challan), registered at Police Station Rama Mandi, District Jalandhar, Annexure P-1, along with all consequential proceedings arising therefrom, on the basis of compromise dated 15.12.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that FIR is an outcome of petty dispute between the parties, who are residing on different floors in the same premises. He submits that the allegation of stealing cash and of outraging the modesty are out and out false. By referring to the affidavit filed by petitioner No.1, counsel submits that none of the petitioners have been declared as Proclaimed Offender.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, accepts notice on behalf of respondent No.1-State. Upon instructions, he submits that challan has been presented and offence

under Sections 354, 325 and 420 IPC was added. As per his instructions, there are 11 prosecution witnesses, but none has been examined. Mr. Sanpreet Sandhu, Advocate accepts notice on behalf of the complainant/respondent No.2. He admits the factum of compromise effected between the parties as well as the statement made by counsel for the petitioners.

The parties and Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 22.02.2022 or any date within fortnight thereafter as fixed by the trial court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.*

Report of Illaqa Magistrate/trial Court be awaited for 05.04.2022.”

Report has been received from the trial court in compliance of the above reproduced order and its relevant extract is as under:-

“(1) As per the statement of the investigating officer there are five accused namely Darshan Kaur w/o Manvir Singh, Munmun Sain w/o Awjinder Singh, Swaranjit Kaur w/o Harwinder Singh, Avjinder Singh s/o Manbir Singh and Dharminder Singh s/o Mandhir Singh arraigned in the present case. All these accused have appeared in the court and recorded their statements and none of them is declared as a proclaimed offender.

(2) As per the statement of the parties as well as ASI Satnam Singh the complainant in the present case is

Rajiv Bhaskar s/o Brij Bhushan and there are two injured persons namely Jatinder Kohli, and Kalpana Bhaskar. The complainant and injured persons have appeared in the court and have recorded their statements.

(3) As per the file, the present case is fixed for filing of reply to the application for discharge of the accused persons which is to be filed by the state.

(4) This court, after hearing the parties in person alongwith their counsels and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the parties are not the result of any pressure and coercion.

(5) As per the statement of the investigating officer, no other FIR is pending against the accused persons namely Darshan Kaur w/o Manvir Singh, Munmun Sain w/o Awjinder Singh, Avjinder Singh s/o Manbir Singh and Dharminder Singh s/o Mandhir Singh. He stated that one FIR No.152 dated 01.07.2016 u/s 323/326/511/506 IPC, PS Rama Mandi, Jalandhar is pending against accused Swaranjit Kaur.”

Supreme Court in ***Narinder Singh Versus State of Punjab***

(2014) 6 SCC 466 and ***Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Criminal) 543*** has held that the High Court has wide power under Section 482 of the Code to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute.

In ***Parbatbhai Aahir alias Parbatbhai Bhimsinghbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641***, Supreme Court has held that inherent power of the High Court is of wide plenitude, with no statutory limitation, and can be exercised to secure the ends of justice or to prevent the abuse of process of any Court.

The decision as to whether an FIR should be quashed on the basis of settlement, revolves ultimately on the facts and circumstances of each case.

The dispute is purely private in nature, which has been settled even though some of the offences alleged are non-compoundable. In view the judgments of the Supreme Court and the facts and circumstances of this case, this Court is of the opinion that prolonging the criminal proceedings would be a futile exercise and setting them aside will enable the parties, who are neighbours, to lead a harmonious life.

Accordingly, petition is allowed. FIR No.69 dated 01.04.2016 under Sections 323, 380, 427, 506, 452, 148, 149 IPC, 1860, (offence under Sections 354, 325, 420 IPC was added in challan), registered at Police Station Rama Mandi, District Jalandhar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

05.04.2022
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(SUVIR SEHGAL)
JUDGE

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