

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

CRM-M-912-2023(O&M)
Date of decision:-08.08.2023

Joginder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Vipin Mahajan, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Mr.Ketan Chopra, Advocate
for respondent No.2.

SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.120 dated 26.9.2020, under Sections 365, 326, 325, 324, 323, 148, 149 IPC, registered at Police Station Sekhwan, Police District Batala, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 13.12.2022 Annexure P-2, arrived at between the parties.

2. Learned counsel for the petitioners submits that FIR is an outcome of a minor altercation between the parties, who had a dispute over the produce of Panchayat land. Counsel further submits that although the offence under Section 365 IPC has been added but the

essential ingredients of the offence are not satisfied as there is no allegation of abduction and both the sides allegedly inflicted injuries on each other. He submits that the parties have appeared before the trial Court and deposited an amount of Rs.50,000/- with the District Legal Services Authority, Gurdaspur in compliance of order dated 2.5.2023 and their statements have been recorded.

3. Upon instructions, State counsel submits that both the parties have lodged complaints against each other. Counsel for the respondent No.2 – complainant has admitted the factum of compromise and supports the prayer made in the petition.

4. Heard counsel for the parties.

5. In compliance of the order passed by this Court on 02.05.2023, report has been received from learned Judicial Magistrate Ist Class, Batala, who has recorded the statements of the parties and the Investigating Officer. The relevant extract of the report is as under:

“There are only five accused arrayed in the present FIR No.120, dated 26.9.2020 namely (1) Joginder Singh aged about 63 years s/o Munsha Singh, (2) Balwinder Singh, aged about 53 years s/o Munsha Singh (3) Gurpreet Singh, aged about 35 years s/o Joginder Singh, (4) Sukhwinder Kaur, aged about 57 years w/o Joginder Singh, (5) Lakhwinder Kaur, aged about 47 years w/o Balwinder Singh, all R/o Village Bhangwan, PS Sekhwan, District Gurdaspur. No other proceeding is pending against the accused/petitioners. Neither of the above stated accused are declared proclaimed offender in the present case/FIR. All the

above stated persons have voluntarily compromised the matter in dispute.

After considering the statements of the parties as well as the statement of IO, this Court is of the view that the compromise between the parties in the present case is genuine, voluntary and without any coercion or undue influence.”

6. Noticing that the dispute is between co-villagers and has been amicably settled, report of the trial Court as well as the judgments passed by the Supreme Court in cases ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*** and ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322***, this Court has no hesitation in accepting the prayer made in the petition. This Court is of the view that quashing of the criminal proceedings would go a long way in restoring peace, brotherhood and bonhomie amongst inhabitants of the village.

7. Accordingly, the petition is allowed. FIR No.120 dated 26.9.2020 lodged under Sections 365, 326, 325, 324, 323, 148, 149 IPC at Police Station Sekhwan, Police District Batala, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

08.08.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No