

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(138+257)

CRM-M-3842-2023 (O&M)
Date of Decision:- 17.11.2023

Sital Singh & another

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Varun Katyal, Advocate
for the applicants-petitioners.

Mr. Anup Singh, AAG, Punjab
for State-respondent No.1.

Mr. Bhanu Chaudhary, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-48031-2023

1. Application is allowed as prayed for.
2. Orders dated 16.05.2023 and 25.05.2023 passed by this Court are taken on record as Annexures P-5 and P-6.

Main case

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0115 dated 02.09.2019, registered for offences under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 and Section 24 of the Emigration Act, 1983 at Police Station Phase 11, Mohali, SAS Nagar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 11.10.2022, Annexure P-2, arrived at between the parties.

2. Counsel for the petitioners submits that the FIR was registered on account of misunderstanding between the parties, which has been removed and the dispute has been amicably settled. He submits that although petitioners were named as an accused in seven different FIRs, but all the disputes, except one, have been amicably settled. In particular, by making a reference to orders, Annexures P-5 and P-6, he submits that two of the FIRs have been quashed on the basis of a compromise by orders passed by this Court.

3. Upon instructions, State counsel submits that the challan has been presented, but charge has not been framed.

4. Counsel representing complainant-respondent No.2 does not dispute the factum of settlement and supports the prayer made in the petition.

5. Pursuant to order dated 24.01.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“1. From the statement of IO ASI Jasvir Singh the present case was got registered by complainant Manjeet Kaur against accused Sital Singh, Navjot Kaur, Navneet Kaur, Neha Sharma and Balbir Kalia and only accused Sital Singh and Navjot Kaur have been arrested and accused namely Navneet Kaur, Neha Sharma and Balbir Kalia are yet to be arrested in this case.

2. Complainant Manjeet Kaur and accused Sital Singh and Navjot Kaur are party to the compromise.

3. As per statement of IO ASI Jasvir Singh no accused has been declared as Proclaimed Offender in the present case.

4. As per statement of IO ASI Jasvir Singh there are 7 other FIRS pending against the accused Sital Singh and Navjot Kaur i.e. (1) FIR No. 59 dated 17.07.2020. Under Section 406, 420, 120-B of IPC & 24 of Immigration (sic Emigration) Act , P.S. Phase-11, Mohali, Distt. SAS Nagar, (2) FIR No. 150 dated 12.12.2019, Under Section 406, 420, 120-B of IPC & 24 of Immigration (sic Emigration) Act , P.S. Phase-11, Mohali, Distt. SAS Nagar, (3) FIR No. 71 dated 22.05.2019, Under Section 406, 420, 120-B of IPC & 24 of Immigration (sic Emigration) Act, P.S. Phase-11, Mohali, Distt. SAS Nagar, (4) FIR No. 114 dated 02.09.2019, Under Section 406, 420, 120-B of IPC & 24 of Immigration (sic Emigration) Act , P.S. Phase-11, Mohali, Distt. SAS Nagar, (5) FIR No. 98 dated 16.07.2019, Under Section 406, 420, 120-B of IPC & 24 of Immigration Act (sic Emigration), P.S. Phase-11, Mohali, Distt. SAS Nagar & (6) FIR No. 138 dated 15.11.2019, Under Section 406, 420, 120-B of IPC, P.S. Phase-11, Mohali, Distt. SAS Nagar (7) FIR No. 3 dated 24.01.2020, Under Section 406, 420, 120-B of IPC, P.S. Phase-11, Mohali, Distt. SAS Nagar.

5. From the statements of the parties, it seems that the compromise (sic has been) effected between all the persons (sic who) are party in the petition i.e. CRM-M-3842 of 2023 and the same is genuine, voluntary and without any coercion or under influence.”

6. Heard counsel for the parties.

7. In view of the report given by the learned Magistrate and the judgment of the Supreme Court in **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543** and a Full Bench of this Court in **Kulwinder Singh vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, this Court is of the view that keeping the criminal proceedings alive would not serve any purpose and setting them aside

would enable the parties to lead a harmonious and peaceful life.

8. Accordingly, the petition is allowed. FIR No.0115 dated 02.09.2019, registered for offences under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 and Section 24 of the Emigration Act, 1983 at Police Station Phase 11, Mohali, SAS Nagar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

17.11.2023
Kamal

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