

CRM-M-7675-2023

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(276)

CRM-M-7675-2023
Date of Decision:- 09.08.2023

Bhupinderpal Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. G.S.Hayer, Advocate
for the petitioner.

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

Mr. Salinder Kumar Saini, Advocate
for the 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.0004 dated 10.01.2023, registered for offences under Sections 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860, at Police Station City Muktsar District Sri Muktar Sahib, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 21.01.2023, Annexure P-2, arrived at between the parties.

2. Counsel for the petitioner submits that four persons were named as an accused, out of which, Harbhajan Singh has unfortunately expired and the whereabouts of accused-Surjit Singh are not known.

Counsel submits that the dispute has been amicably settled between the petitioner and the complainant-respondent No.2 and the misunderstanding has been removed.

3. Upon instructions received from HC, Kuldeep Singh, State counsel submits that proceedings to declare accused-Surjit Singh as a proclaimed offender have been initiated and Ritu Sharma, who was a receptionist, has been found to be innocent. Upon further instructions, he submits that the petitioner is not involved in any other unlawful activity.

4. Counsel representing complainant-respondent No.2 has admitted the factum of compromise, but clarifies that there is no compromise with the other accused.

5. Pursuant to order dated 14.02.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“The undersigned has carefully gone through the statements got recorded by the complainant and accused. Ex-facie, it transpires from the statements of the parties (recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations.

It is further humbly submitted that this Court was further directed to give the report with regard to any other

accused or aggrieved person is involved as accused, whether any person has been declared proclaimed offender. It is humbly submitted that in this regard the statement of ASI Laljeet Singh No.1215/FZR, Posted at Police Station City Sri Muktsar Sahib was recorded. ASI Laljit Singh has stated that he is investigating officer in the FIR No.04, dated 10.01.2023 under sections 420, 465, 468, 471, 120-B of IPC, Police Station City, Sri Muktsar Sahib. He has further stated that as per record available in the police station, the FIR was registered on the statement of Mandeep Singh against Surjeet Singh Bawa and Bhupinderpal Singh @ Bhinda. He has further stated that as per the record available in the police station, there are two accused involved in this FIR and none of the accused are declared PO in this FIR. He has further stated that the challan is not present in the court till date.

From the statement suffered by ASI Laljit Singh who is the Investigating Officer of the present case it is found that case was registered on the statement of Mandeep Singh who is aggrieved party. As per the version given by ASI Laljit Singh, as per the record available in the police station, none of the accused have been declared proclaimed person in this FIR. Further from the statement suffered by ASI Laljit Singh, it transpired that no other accused except the referred two accused involved in the present FIR.”

6. Heard counsel for the parties.
7. In view of the report given by the Trial Court 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.0004 dated 10.01.2023, registered for offences under Sections 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860, at Police Station City Muktsar District Sri Muktar Sahib, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

09.08.2023
Kamal

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