

CRM-M-15154-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226)

CRM-M-15154-2023 (O&M)
Date of Decision:- 21.12.2023

Dharam Raj alias Dharma

...Petitioner

Vs.

Mahant Jagtar Gir Chela Tarsem Gir
Chela Rattan Gir @ Dashehar Gir and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rishav Jain, Advocate for the petitioner.

Mr. Nitesh Singla, Advocate for
Mr. Lalit Goya, Advocate for the respondent-complainant.

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of complaint dated 13.06.2016, Annexure P-1, under Sections 420, 465, 467, 468, 471, 193 and 120-B, IPC and summoning order dated 20.05.2017, Annexure P-2, passed by learned Sub Divisional Judicial Magistrate, Moonak, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 10.03.2023, Annexure P-3, arrived at between the parties.

2. Counsel for the petitioner submits that a complaint was instituted by respondent No.2 against five accused and primary allegation has been levelled against Dalwara Singh (accused No.4 in the complaint) of illegally occupying the land belonging to a Dera. He submits that other co-accused in the complaint were all officials. He submits that by order dated

19.05.2017, complaint was withdrawn qua police officials-accused Nos.1 to 3 and by order dated 20.05.2017, Annexure P-2, remaining accused i.e. Dalwara Singh, accused No.4 and Dharam Raj @ Dharma, Patwari, accused No.5-present petitioner, were summoned. He submits that the dispute has been amicably settled with accused No.5-petitioner by virtue of compromise Annexure P-3 and the parties have recorded their statements before the trial Court in support of the settlement.

3. Counsel representing complainant-respondent No.2 has admitted the factum of compromise.

4. Heard counsel for the parties.

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

“(i) As per the complaint, there are five accused in this case namely Station House Officer, Police Station Moonak, District Sangrur, Jagjit Singh ASI PS Moonak, District Sangrur, Senior Superintendent of Police, Sangrur, Dalwara Singh son of Jangir Singh resident of Bhutal Khurd, Tehsil Moonak, District Sangrur and Dharamraj @ Dharma Patwari Halqa Village Dhindsa son of Madan Lal r/o Village Salemgarh, Tehsil Moonak, District Sangrur in the present complaint. Complaint dismissed as withdrawn against accused Nos.1 to 3 vide order dated 19.05.2017 and accused No.5 Dharamraj @ Dharma has appeared in the Court on 18.09.2023 and he made statement regarding compromise. No accused has been absconded or declared proclaimed offender in this case.

(ii) As per the statement of complainant, there is only one complainant namely Jagtar Gir Chela Tarsem Gir Chela Rattan Gir @ Dashehar Gir r/o Bhutal Khurd, Tehsil Moonak, District Sangrur in this present complaint. He has appeared in Court on 18.09.2023 and he made statement regarding compromise with accused No.5- Dharamraj @ Dharma.

(iv) (sic iii) As per the file, the present case has been fixed

for evidence of complainant.

(v) (sic iv) As per the statements of parties, the compromise appears to be genuine, entered into voluntarily, out of free (sic free) will and without any coercion and undue influence.

(vi) (sic v) As per the statement of accused namely Dharamraj @ Dharma Halqa Patwari of village Dhindsa one FIR No. 7 dated 09.03.2021 u/s 7 Prevention of Corruption Act, PS Vigilance Bureau Patiala has been registered against him which is pending for trial in the Court of Sh. Baljinder singh, JSC, Sangrur.”

6. 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 bring an end to the animosity enabling the parties to lead a harmonious and peaceful life.

7. Accordingly, petition is allowed. The complaint dated 13.06.2016, Annexure P-1, under Sections 420, 465, 467, 468, 471, 193 and 120-B, IPC and summoning order dated 20.05.2017, Annexure P-2, passed by learned Sub Divisional Judicial Magistrate, Moonak, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

21.12.2023
pooja saini

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