

CRM-M-16470-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(276)

CRM-M-16470-2023

Date of Decision:- 17.07.2023

Karamjit Singh

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab
for State-respondent No.1.

Mr. Vishal Munjal, 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.68 dated 20.08.2021, registered for offences under Sections 3 (1) (r) of Scheduled Castes and Scheduled Tribes Act, 1989 (for short “the Act”), at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur, Punjab, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 15.02.2023, Annexure P-4, arrived at between the parties.

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2. Counsel for the petitioner contends that FIR, Annexure P-1, is a counterblast to two criminal cases registered by the petitioner against the complainant, which were prior in time. By making a reference to the allegations levelled in the FIR, Annexure P-1, he submits that the complainant-respondent No.2 has abused the petitioner by calling him a thief and blackmailer, but there is no allegation of a usage of any derogatory word attracting the offence under the Act. He further submits that the earlier two criminal cases lodged by the petitioner have also been settled by way of compromise and both the FIRs have been quashed by this Court vide orders, Annexure P-2 and P-3.

3. Upon instructions from ASI, Sukhdev Singh, State counsel submits that after investigation, a cancellation report has been presented before the competent Magistrate. Counsel for the complainant has admitted the factum of compromise and has supported the prayer made in the petition.

4. Heard counsel for the parties.

5. Pursuant to order dated 10.04.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“1) There is only one person namely, Karamjit Singh son of Manjit Singh, resident of Ward No.12, Fatehgarh Churian, District Gurdaspur arrayed as accused in the present FIR.

2) In this case, accused has not been declared as proclaimed person nor any P.O. proceedings are pending against accused.

- 3) *After going through the statements of the parties, this Court is satisfied that complainant has effected the compromise with the above named accused with his own free will and without any coercion or pressure from any corner and same is found genuine.*
- 4) *Except the present FIR, there is no other FIR registered against above named accused.*
- 5) *The present case is at the investigation stage.*
- 6) *Except the complainant, there is no other victim/injured is involved in this case.”*

6. The private parties, who belong to the same village, have decided to bury the hatched and end the enmity.

7. Keeping in view this development as well as the judgments of the Supreme Court in ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*** and ***Ramawatar Versus State of Madhya Pradesh 2021 (4) RCR (Criminal) 555***, this Court has no hesitation in quashing the impugned FIR.

8. Accordingly, the petition is allowed. FIR No.68 dated 20.08.2021, registered for offences under Sections 3 (1) (r) of Scheduled Castes and Scheduled Tribes Act, 1989, at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur, Punjab, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

17.07.2023
Kamal

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