

CRM-M-17792-2023

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(268-1)

CRM-M-17792-2023
Date of Decision:- 04.09.2023

Sunny Sardar @ Sandeep Singh and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Parminder Singh, Advocate for the petitioners.

Mr. Ramender Singh Chauhan, AAG, Haryana
for State-respondent No.1.

Ms. Kamlesh, 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.147 dated 28.05.2020, registered for offences under Sections 406 and 420 of the Indian Penal Code, 1860 and Section 24 of the Emigration Act, 1983 at Police Station Ram Nagar, Karnal, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 27.11.2022, Annexure P-3, arrived at between the parties.

2. Counsel for the petitioners submits that FIR, Annexure P-1, is an outcome of a misunderstanding, which has been removed and a settlement has been arrived at. Counsel submits that although petitioners are named as an accused in some other criminal cases, but a settlement has been arrived at in those matters also.

3. Counsel representing complainant-respondent No.2 does not have any objection in case prayer made in the petition is acceded to.

4. Pursuant to order dated 13.04.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“1. As per the contents of report under Section 173 Cr.P.C. and statement of IO SI Kaptan Singh No.492/SPT, there are three persons arrayed as accused in the present case namely Sandeep @ Sunny, Inderjeet Singh and Gurpreet Singh, who are petitioners no.1 to 3 in the petition before the Hon’ble High Court.

2. As per the statement of IO SI Kaptan Singh No.492/SPT, none of the accused is proclaimed offender, either in this case or in any other case.

3. On the basis of statement of Harvinder Singh, son of complainant and victim (arrayed as private respondent No.2 in the petition before Hon’ble High Court) as also the statement of accused Sandeep @ Sunny and Ranjeet Singh, SPA of accused Gurpreet Singh and Inderjeet Singh, undersigned is of the view that the matter has been compromised between the parties with their free will and consent, without any pressure and coercion on either side and the compromise effected between the parties is genuine and voluntary.

4. As per the statement of IO SI Kaptan Singh No.492/SPT, accused Sandeep @ Sunny is involved in one other criminal case being FIR No.148 dated 28.05.2020 under Sections 406, 420, 370, 384 of IPC & Section 24 of Immigration (sic Emigration) Act (at) Police Station Ram Nagar, Karnal, while each of the other two accused Inderjeet Singh and Gurpreet Singh are involved in two other criminal cases being FIR No.148 dated 28.05.2020 under Sections 406, 420, 370, 384 of IPC & Section 24 of Immigration (sic Emigration) Act (at) Police Station Ram Nagar, Karnal and FIR No.378 dated 11.12.2021, under Sections 406, 420, 467, 468, 471, 120-B IPC, Police Station Ram Nagar, Karnal.

5. Qua accused Sandeep @ Sunny, trial for the commission of offences under Section 420, 406, 370 IPC and Section 24 of Immigration (sic Emigration) Act (charge

framed on 05.03.2021) is pending at the stage of prosecution evidence and fixed for 15.05.2023. (Out) of the 17 PWs arrayed in the list of witnesses, none has been examined till date. Qua the other two accused Inderjeet Singh and Gurpreet Singh, it is clear from the statement of IO SI Kaptan Singh No.492/SPT that they have not yet joined investigation of present case.”

5. Heard counsel for the parties.
6. 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.
7. Accordingly, the petition is allowed. FIR No.147 dated 28.05.2020, registered for offences under Sections 406 and 420 of the Indian Penal Code, 1860 and Section 24 of the Emigration Act, 1983 at Police Station Ram Nagar, Karnal, District Karnal, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

04.09.2023
Kamal

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