

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21002-2023
Date of decision:-23.08.2023

Kuldeep Singh and another
...Petitioners

Versus

State of Punjab and another
...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.R.S. Sidhu, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Ms.Gurpreet Kaur, Advocate for
Mr.Sanyam Bhardwaj, 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.42 dated 17.02.2018, under Sections 420, 120-B IPC, registered at Police Station Sadar, Tarn Taran, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise Annexure P2, arrived at between the parties.
2. Counsel for the petitioners submits that the genesis of the FIR Annexure P1 is a financial dispute, which has been amicably settled by compromise Annexure P2.
3. Counsel appearing for the respondent No.2/complainant has admitted the factum of compromise.

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4. Heard counsel for the parties.

5. Pursuant to order dated 27.04.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

1. *As per the statement of Investigating Officer, there are only two (sic three) persons, namely, Kuldeep Singh, Baljinder Kaur and Dharminder Singh arrayed as accused in the First Information Report in question. But the accused Dharminder Singh was declared innocent during investigation and the Final Report only presented against the accused Kuldeep Singh and Baljinder Kaur.*

2. *As per the statement of Investigating Officer, both the accused Kuldeep Singh and Baljinder Kaur were declared Proclaimed Offenders on 02.11.2019 and thereafter they were admitted to bail.*

3. *As per the statement of the parties to the petition and Investigating Officer, the compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.*

4. *As per the statement of Investigating Officer, the accused Kuldeep Singh and Baljinder Kaur have been declared Proclaimed Offender and another First Information Report bearing No.48 dated 24.02.2020 under Sections(s) 174-A at Police Station Sadar, Tarn Taran has also been registered against them. Final Report in case bearing First Information Report No.48 dated 24.02.2020 has been presented and is pending for*

24.05.2023 for DW and for final arguments.

5. *The statement of the Investigating Officer has been recorded. As per the statement of Investigating Officer, there are only two (sic three) persons, namely, Kuldeep Singh, Baljinder Kaur and Dharminder Singh arrayed as accused in the First Information Report in question. But the accused Dharminder Singh was declared innocent during investigation and the Final Report only presented against the accused Kuldeep Singh and Baljinder Kaur. There is only one complainant/victim, namely, Satwinder Singh in the First Information Report in question. The case is fixed for entire evidence of the prosecution.*

6. When confronted with the second FIR, counsel for the petitioner has submitted that it is subject-matter of challenge in CRM-M-25731-2023 in which notice has been issued by this Court and petition is pending

7. In view of this development, report of the Trial Court and 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.42 dated 17.02.2018, under Sections 420, 120-B IPC, registered at Police Station Sadar, Tarn Taran, Annexure P1 along with all subsequent proceedings

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arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

23.08.2023

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No