

CRM-M-22761-2023

-1-

282

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22761-2023

Date of decision:-07.12.2023

Kashmira Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Ankit Aggarwal, Advocate
for the petitioner.

Mr.Anup Singh, AAG, Punjab.

Mr.Raghav Bali, Advocate for
Mr.Sikandh Mehta, 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.203 dated 28.10.2021, under Sections 447, 379, 511 IPC (Section 411 IPC was added later on), registered at Police Station Sadar Khanna, District Ludhiana, Annexure P1 and charge-sheet dated 06.09.2022, Annexure P2, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 17.03.2023, Annexure P3, arrived at between the parties.

2. Counsel for the petitioner submits that the allegation levelled against the petitioner is that he has harvested the crop of the

282

complainant. He submits that the criminal case has been lodged by his co-villager due to some misunderstanding, which has been removed and the dispute has been amicably settled between the parties.

3. Upon instructions from ASI Ranjit Singh, State counsel submits that although charge has been framed but no prosecution witness has been examined.

4. Counsel appearing for the respondent No.2/complainant has admitted the factum of compromise.

5. Heard counsel for the parties.

6. Pursuant to order dated 08.05.2023 passed by this Court, report has been received from the Judicial Magistrate, Khanna, relevant extract of which is as under:-

“(i) Number of persons arrayed as accused in the FIR and those found involved during investigation.

It is hereby submitted that in view of the statement of complainant Jasvir Singh as well as in view of the statement of Investigating Officer there are two accused in the present FIR namely Kashmira Singh and Jang Singh but only Kashmira Singh was found involved during investigation and Jang Singh was declared as innocent by the police authorities.

(ii) What is the status of the proceedings of the case FIR?

It is hereby submitted that the present case is at the stage of evidence of prosecution.

(iii) Whether any accused is proclaimed offender?

It is hereby submitted that in view of the statement of Investigating Officer of the present case the accused Kashmira

Singh was never declared proclaimed offender.

(iv) *Whether the accused persons are involved in any other case or not?*

It is hereby submitted that in view of the statement of Investigating Officer of the present case accused Kashmira Singh is not involved in any other case.

(v) *Whether all the concerned have signed the compromise deed?*

It is hereby submitted that all the concerned i.e. complainant Jasvir Singh and accused Kashmira Singh have signed the compromise deed.

(vi) *Whether the compromise is genuine, voluntary and without any coercion or undue influence?*

It is hereby submitted that statements were recorded in which the complainant Jasvir Singh and the accused namely Kashmira Singh, expressed themselves having reached a compromise. As such, the said compromise ex facie seems to be genuine, voluntary and without any pressure, threat, coercion or undue influence between complainant and accused.

(vii) *How many victims/complainant are there in the FIR?*

It is hereby submitted that in view of the statement suffered by the Investigating Officer there is only one victim/complainant namely Jasvir Singh in the present FIR.”

7. In view of the report given by the learned Magistrate 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 bring an end to animosity enabling the parties to lead a harmonious and peaceful life.

8. Accordingly, the petition is allowed. FIR No.203 dated 28.10.2021, under Sections 447, 379, 511 IPC (Section 411 IPC was added later on), registered at Police Station Sadar Khanna, District Ludhiana, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

07.12.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No