

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28191-2023

Date of decision:-13.12.2023

Krishanpreet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.G.S. Sirphikhi Advocate
for the petitioner.

Mr.Anup Singh, AAG, Punjab.

Mr.B.S.Mittal, Advocate
for respondents No.2 to 4.

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.119 dated 29.11.2022, under Sections 336/427 IPC and Section 25 of Arms Act, 1959, registered at Police Station Ghanie Ke Bangar, Police District Batala, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 26.05.2023, Annexure P3, arrived at between the parties.

2. FIR, Annexure P1 has been registered on the statement of Harpal Singh stating that on 28.11.2022 at about 11:30 p.m. when he and his family members were present in the house, 2-3 intruders rode on a motorcycle and opened fire, damaging the gate and walls, after which

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they fled away.

3. By referring to the supplementary statement of the complainant, counsel for the petitioner submits that in the statement, the complainant named Krishanpreet Kaur, present petitioner, and Jagroop Singh @ Roopa as the accused. Counsel for the petitioner submits that the complainant had named the petitioner under a wrong impression and the dispute between the petitioner and the complainant has been amicably settled by compromise, Annexure P3.

4. Pursuant to order dated 09.10.2023 passed by this Court, State counsel has filed a short reply by way of affidavit of Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala, which is taken on record.

5. State counsel, upon instructions received from ASI Gurpreet Singh, submits that a wrong statement has been made by the Investigating Officer before the Area Magistrate that there is only one accused and inquiry proceedings have been initiated against him vide order No.59336-43 dated 08.12.2023 for negligence in performance of official duties, which will be completed within a period of three months. He has specific instructions to state that the challan has not been presented before the competent Magistrate and proceeding to declare co-accused Jagroop Singh, as a Proclaimed Offender, have been initiated.

6. Counsel for the complainant/victims – respondents No.2 to 4 submits that a settlement has been arrived at with the petitioner alone.

7. Heard counsel for the parties.

8. Pursuant to order dated 31.05.2023 passed by this Court, report has been received from the Judicial Magistrate, Batala, relevant

extract of which is as under:-

“(1) There is only one person namely Krishanpreet Kaur w/o Amarjot Singh and d/o Kultaran Singh r/o Ghanie Ke Bangar, Tehsil Batala, District Gurdaspur at present r/o village Jijeani, Tehsil Majitha, District Amritsar arrayed as accused in the present FIR.

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

(3) The present case is at the investigation stage and challan has not been presented in this case.

(4) After going through the statements of the parties, this Court is satisfied that complainants/aggrieved have effected the compromise with the above named accused with their free will and without any coercion or pressure from any corner and same is found genuine.”

9. 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 enable the parties to lead a harmonious and peaceful life.

10. Accordingly, the petition is allowed. FIR No.119 dated 29.11.2022, under Sections 336/427 IPC and Section 25 of Arms Act,

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1959, registered at Police Station Ghanie Ke Bangar, Police District Batala, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

11. Let the departmental inquiry against the official, SI Balwinder Singh No.1746/BTL be taken to its logical end and the Court be apprised about its conclusion by filing an additional affidavit in due course.

(SUVIR SEHGAL)
JUDGE

13.12.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No