

CRM-M-31987-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(243)

CRM-M-31987-2023

Date of Decision:- 15.12.2023

Gurjant Singh @ Janta and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. L.S.Sidhu, Advocate for the petitioners.

Mr. Kanwar Jeet Singh, AAG, Punjab.
for State-respondent No.1.

Mr. Mehtab Singh, Advocate for
Mr. Daljinder Singh Sandhu, 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.172 dated 17.10.2020, registered for offences under Sections 323, 324, 34 and 120-B, IPC, wherein, Sections 325, 379-B, 148, 149 and 201, IPC were added and Section 34, IPC was deleted, later on, at Police Station City Moga, District Moga, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 06.03.2023, Annexure P-2, arrived at between the parties.

2. Counsel for the petitioners submits that FIR, Annexure P-1, is an outcome of a marital discord between the complainant-respondent No.2 and daughter of petitioner No.1. He submits that the dispute has been amicably

settled and a separate petition has been filed seeking divorce by mutual consent. He submits that false allegations attracting offence under Section 379-B, IPC have been levelled against the petitioners and the parties have appeared before the Trial Court for recording of their statements.

3. Upon instructions, State counsel submits that four out of thirteen prosecution witnesses have been examined.

4. Counsel representing complainant-respondent No.2 has admitted the factum of settlement between the parties.

5. Heard counsel for the parties.

6. Pursuant to order dated 06.07.2023 passed by this Court, report has been received from the learned Sessions Judge, Moga, relevant extract of which is as under:-

“1. As per police report under section 173 Cr.P.C and as per statement of Investigating Officer, ASI Sahib Singh, there are only six accused in this case namely Sarabjit Kaur, Gurjant Singh alias Janta, Lakhveer Singh alias Lakha, Rajwinder Singh alias Raju, Jaspreet Kaur and Sarabjeet Singh and all of them have appeared and suffered their statements. As per statement of Investigating Officer, none of the accused has been declared proclaimed offender.

2. There is only one complainant namely Gursewak Singh, who has appeared before the court and made his statement in support of compromise.

3. The trial was fixed for prosecution evidence.

4. From the statements of the parties and from the inquiries made from them, the compromise appears to be genuine, voluntary and out of free will of the parties.

5. As per statement of Investigating Officer, there is no other FIR registered against any of the accused.”

7. In view of the report given by the learned Sessions Judge and the judgments of the Supreme Court in *B.S.Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888* and *Gold Quest International Private Limited Versus The State of Tamil Nadu and others (2014) 15 SCC 235*, 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 the animosity enabling the parties to lead a harmonious and peaceful life.

8. Accordingly, petition is allowed. FIR No.172 dated 17.10.2020, registered for offences under Sections 323, 324, 34 and 120-B, IPC, wherein, Sections 325, 379-B, 148, 149 and 201, IPC were added and Section 34, IPC was deleted, later on, at Police Station City Moga, District Moga, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

15.12.2023
Kamal

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