

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34842-2023

Date of decision:-22.09.2023

Jaswinder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Ms.Ameesha Goel, Advocate for
Mr.Siddharth Sharma, Advocate
for the petitioners.

Mr.A.P.S. Tung, DAG, Punjab.

Mr.Sanjeev Sharma, Advocate for
Mr.Aadesh Panjabi, 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.74 dated 22.06.2018, under Sections 379 and 506 IPC, registered at Police Station Talwandi Chaudhrian, District Kapurthala, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 27.07.2022, Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that the FIR is an outcome of petty family dispute, which has been amicably settled between the parties.

3. Counsel for 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 21.07.2023 passed by this Court, report has been received from the Trial Court, relevant extract of which is as under:-

“(I) The report u/s 173 Cr.P.C. is already filed in the Court on 14.11.2018 against both two accused/petitioners. Both accused/petitioners are appearing in the Court and no accused is declared proclaimed person/offender.

(II) There is only one complainant namely Bikramjit Singh @ Bikka son of Late Sukhdev Singh. There are two accused namely Jaswinder Singh son of Bachan Singh and Amrinder Singh son of Jaswinder Singh. The complainant as well as both the accused are party to the present petition and all of them have made statements in the Court qua the compromise.

(III) The trial is pending at the stage of framing charge.

(IV) The compromise between the parties appears to be genuine and voluntary. Both the accused had entered into compromise and statement of both accused/petitioner are recorded.

Victim/respondent no.2 Bikramjit Singh also suffered a statement that petitioner no.1 Jaswinder Singh S/o Bachan Singh had lodged one FIR No.05 dated 05.01.2018, U/s 448/380 of IPC P.S. Talwindi Chaudhrian against him and other eight persons. As per compromise the said FIR no.05 dated 05.01.2018 has also been quashed vide order dated 25.5.2023 passed by the Hon'ble High Court in CRM-M-45158 of 2022. He further stated that now he has entered the compromise voluntarily.

(V) *No other FIR is reported against accused/petitioners or the complainant.*

Compromise between parties appears to be genuine and without any undue influence or pressure. It is further submitted that cross case between the parties bearing FIR no.05 dated 05.01.2018, U/s 448/380 of IPC P.S. Talwandi Chaudhrian against present respondent/complainant namely Bikramjit Singh & Ors. is already quashed by way of compromise. Thus, both the parties wants to put an end to the litigation between them as both the parties are close family members.

6. 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.

7. Accordingly, the petition is allowed. FIR No.74 dated 22.06.2018, under Sections 379 and 506 IPC, registered at Police Station Talwandi Chaudhrian, District Kapurthala, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

22.09.2023

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No