

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.34718 of 2023 (O&M)
Date of decision: 05.10.2023**

Kala Singh

... Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gaurav Kalsi, Advocate for
Mr. Harchand Singh Batth, Advocate, for the petitioner.

Mr. C.L.Pawar, Addl. A.G., Punjab for respondent No.1.

Mr. Amit Bansal, Advocate for
Mr. Amritpal S. Sohal, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0061 dated 18.05.2023 (P-1), under Sections 435 & 427 of the Indian Penal Code, 1860, registered at Police Station Valtaha, District Tarn Taran on the basis of compromise & an affidavit dated 11.07.2023 (P-2 & P-3), respectively, entered into between the parties i.e. petitioner as well as respondent No.2.

(2) Above FIR was registered on the basis of statement made by respondent No.2-Baldev Singh with the allegations that on 16.05.2023 at

about 06:00 PM, petitioner has set ablaze the wheat crops, thereby causing loss to the complainant.

(3) This Court, while issuing notice of motion on 20.07.2023, passed the following order:-

“Contends, inter alia, that matter has been compromised between the parties.

(2) Notice of motion.

(3) On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent No.1/State.

(4) Mr. Amritpal S. Sohal, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise dated 11.07.2023 (P-2) arrived at between the parties at their own level.

(5) Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

(6) Petitioners shall file their respective affidavits that there is no other criminal case(s) pending against them and also give the details of any other FIR(s), already quashed on the basis of compromise.

(7) In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 31.07.2023 for recording their statement(s) with reference to the compromise, if any, entered into between them.

(8) Learned Illaqa Magistrate/trial Court shall record the statement(s) of all accused, complainant/injured and victim, if any, and submit a report to this Court before the next date of hearing containing the following information:-

(i). Whether the statements of the parties are bona fide and not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof?*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*
- (vi). Whether any of the petitioner(s) is/are previous convict or not?*

(9) List before this Court on 12.09.2023 for further consideration.

(10) Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection?

(11) Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

(4) In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Patti and submitted a report dated 17.08.2023 The operative part of the same reads as under:-

“ My point wise report is as follow:-

- (i) As per the statements recorded by the parties in the Court, the same are seems to be bonafide and not result of any pressure of coercion etc.*
- (ii) The compromise made by the parties seems to be genuine, voluntary and without any coercion or undue influence:*
- (iii) Yes, complainant, injured and accused i.e Baldev Singh and Kala Singh are party to the compromise.*
- (iv) As per statement of, ASI Savinder Pal Singh No.641/TT Investigating Office two case bearing FIR No.29 dated 12.06.2004, under section 336, 34 of IPC and section 25.54,59 of Arms Act, PS Khemkaran registered against*

Kala Singh and accused acquitted vide judgment dated 11.08.2009 from the Court of Sh. Mahesh Grover, the then JMIC, Patti. He further stated that another FIR No.90 dated 15.11.2022, under sections 341, 447, 379, 506, 148, 149 of IPC, Police Station Valtoha registered against Kala Singh and accused joined investigation on dated 07.01.2023 and said case is under investigation.

- (v) *As per statement of ASI Savinder Pal Singh no person involved in the present case is a proclaimed offender.*
- (vi) *Accused is not previous convict.”*

(5) A perusal of the aforesaid report clearly reveals that matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence. Also reveals that no one has been declared as proclaimed offender. Even before this Court also, there is no objection by either side against each other.

(6) Learned State Counsel, on instructions, acknowledged the above factual position. Also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of compromise effected between the parties.

(7) Learned Counsel for respondent No.2 also raised no objection to the present petition.

(8) In view of above, this Court is fully convinced that alleged offence(s) are entirely personal in nature and do not affect any public peace or tranquility. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise, would bring peace and harmony to secure the ends of justice.

(9) Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the

petitioner. However, as a deterrence for the future, petitioner is burdened with costs of Rs.10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

(10) Pending application(s), if any, shall also stand disposed off.

October 5th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>