

CRM-M-37483-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37483-2023

Date of decision:-02.11.2023

Harinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Rakesh Kumar, Advocate for
Mr.S.S. Sarwara, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Mr.Sanjay Khan, Advocate for
Mr.S.P.S. Sokhal, 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.405 dated 22.12.2022, under Sections 323, 341, 295-A, 506 IPC, registered at Police Station Dera Bassi, District SAS Nagar, Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 03.04.2023, Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that a petty dispute took place between the parties over parking of a vehicle. He submits that in the scuffle between them, the turban of complainant fell and there was

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no intention to outrage his religious feelings. It is his argument that offence under Section 295-A IPC is not made out. He submits that the dispute has been settled by compromise, Annexure P2 and the parties have appeared before the learned Judicial Magistrate and recorded their statements.

3. Upon instructions from ASI Kuldeep Singh, State counsel submits that the challan is yet to be presented.

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 02.08.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“1. As per the statements of the parties, Investigating Officer and as per FIR, the number of accused arraigned in the FIR is four i.e. Harinder Singh, Ravinder Singh @ Ravi Singh, Dalbir Singh and Lovepreet Singh (petitioners before Hon’ble High Court) and all of them have appeared before this Court and made statement regarding compromise. No accused person is absconding/P.O. in the case.

2. As per the statements of parties, Investigating Officer and as per FIR, the name of complainant is Manpreet and he has appeared and made statement in support of compromise. Except him, there is no other injured/aggrieved person in present FIR.

3. As per the statement of Investigating Officer, the investigation of present FIR is still pending and report under

Section 173 Cr.P.C. has not been presented in the Court.

4. *As per statements of parties, the compromise effected between the parties appears to be genuine, voluntary and out of free will of the parties and same is valid and is not the result of any pressure or undue influence, coercion, inducement or threat from any side.*

5. *As per the statements of the parties as well as Investigating Officer, no other criminal case is pending against the accused persons or between the parties.”*

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 enable the parties to lead a harmonious and peaceful life.

8. Accordingly, the petition is allowed. FIR No.405 dated 22.12.2022, under Sections 323, 341, 295-A, 506 IPC, registered at Police Station Dera Bassi, District SAS Nagar, Annexure P1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

02.11.2023
Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No