

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

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CRM-M-40228-2022

Date of decision: 31.07.2023

Chand Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**Present:** Mr. J. S. Thind, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Ashish Nagar, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.PC. seeking quashing of FIR No.106 dated 30.07.2016 under Sections 323, 326, 34 of IPC, 1860, registered at Police Station Gharinda, District Amritsar Rural (Annexure P-1) and for quashing of the order dated 07.06.2022 passed by the Court of Ld. CJM, Amritsar (Annexure P-5) whereby the trial Court refused to accept the cancellation report (Annexure P-3) submitted by the police.

2. Counsel for the petitioner submits that accused-petitioner and complainant-respondent No.2 are brothers and an altercation took place between them due to a dispute over agricultural land. Counsel submits that after investigation, cancellation report was presented before the learned Judicial Magistrate which has been rejected vide impugned order dated 07.06.2022 (Annexure P-5). He submits that the dispute between the parties has been amicably settled.

3. In deference to order dated 08.05.2023 passed by this Court,

parties have appeared before the trial Court and their statements have been recorded. Counsel representing the complainant-respondent No.2 does not have any objection, in case, the impugned order as well as FIR is quashed between the parties.

4. I have heard the counsel for the parties.

5. Pursuant to the order dated 08.05.2023, report has been received from the trial Court and its relevant extract is as under:

“i. That the present case was got registered by complainant Hardial Singh against accused Chand Singh and Shamsher Singh. Complainant and one accused namely Chand Singh appeared in the Court and have got recorded their statements regarding compromise.

However, accused Shamsher Singh is neither arrayed as a party before the Hon'ble High Court nor appeared before this court for getting the statement recorded.

ii. That as per the statement of Investigating officer two persons namely Chand Singh and Shamsher Singh are involved in the present FIR and neither accused are declared as proclaimed offender nor they are involved in any other criminal case except the present FIR.

iii. That as per record cancellation report in this case was presented but the same was rejected by this court vide order dated 07.06.2022 and the matter was sent for further investigation. Thus, at this stage further investigation in this case is pending and final report thereafter has not been submitted.

iv. That as per the FIR and statement of investigating officer there is no other victim except complainant Hardial Singh in the present FIR.

v. That from the statements of complainant Hardial Singh and accused Chand Singh, I am satisfied that compromise between the parties is genuine and valid, and without any coercion or undue influence from any corner.

However, there is no compromise between complainant

Hardial Singh and accused Shamsher Singh.”

6. The parties are close blood relations and the genesis of the criminal proceedings is a petty dispute. Keeping in view the settlement, report of the Trial Court and the judgments of Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543*** and ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641***, this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose and setting them aside would bring an end to the enmity, restoring cordial relations between them.

7. Accordingly, petition is allowed. Impugned order dated 07.06.2022 (Annexure P-5) as well as FIR No.106 dated 30.07.2016 under Sections 323, 326, 34 of IPC, 1860, registered at Police Station Gharinda, District Amritsar Rural (Annexure P-1) and all consequential proceedings, are quashed **qua the petitioner.**

31.07.2023

Parveen kumar

(SUVIR SEHGAL)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No