

CRM-M-39334-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39334-2023

Date of decision:-02.11.2023

Harmeet Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Mahipal S. Yadav, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Mr.Shubham Chandel, 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 seeking quashing of FIR No.31 dated 23.04.2019, under Sections 420, 406, 465, 467, 468, 471, 120-B IPC, registered at Police Station City, Ahmedgarh, District Sangrur (Now Malerkotla), Annexure P1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 18.7.2023, Annexure P2, arrived at between the parties.

2. Counsel for the petitioners submits that the FIR, Annexure P1 is an outcome of a property dispute between the parties, who are related to each other. He submits that the dispute arose after the complainant/respondent No.2 came back from Denmark and alleged that

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the petitioners are in illegal possession of his property. He submits that with the intervention of the respectables, the dispute has been resolved by compromise, Annexure P2 and the parties have appeared before the learned Judicial Magistrate and recorded their statements.

3. Upon instructions, State counsel submits that although charge has been framed but no prosecution witness has been examined.

4. Counsel for the respondent No.2/complainant has admitted the factum of compromise.

5. Heard counsel for the parties.

6. Pursuant to order dated 29.08.2023 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“It is accordingly submitted on the basis of statement given by IO that there are two persons arrayed as accused in this case and none of the accused is proclaimed person. That both accused are appearing in the Court and they are not involved in any other case/FIR. That there is only one complainant/victim namely Devinder Kaur in this case who is appearing through Special Power of Attorney Manjit Singh. Present case is pending for consideration on application under Section 91 of Cr.P.C. when order dated 23.08.2023 was received from Hon’ble High Court. On the basis of statements made by the parties appearing before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at 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.31 dated 23.04.2019, under Sections 420, 406, 465, 467, 468, 471, 120-B IPC, registered at Police Station City, Ahmedgarh, District Sangrur (Now Malerkotla), 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