

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

(286-1)

**CRM-M-43055-2023
Date of Decision:- 05.12.2023**

Satnam Singh and others**...Petitioners****VERSUS****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Deepak Arora, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab for State-respondent No.1.

Mr. G.S.Rawat, Advocate for the complainant-respondent No.2
and injured-respondent No.3.

SUVIR SEHGAL, J. (Oral)

1. At the outset, in view of the report received from the learned Judicial Magistrate, Gurdaspur, counsel for the petitioners seeks and is granted permission to withdraw the petition qua petitioner No.7.
2. **Dismissed as withdrawn in so far as petitioner No.7 is concerned.**
3. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.24 dated 22.08.2016, registered for offences under Sections 365, 342, 148, 149, 323 and 506, IPC, at Police Station Dorangla, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 08.08.2023, Annexure P-2, arrived at between the parties.

4. Counsel for the petitioners submits that the petitioners and the complainant-respondent No.2/injured-respondent No.3 are neighbours and they had a dispute over common passage which has been amicably settled. He has referred to the allegations levelled in the FIR and has urged that offence under Section 365, IPC is not made out. He submits that the parties have appeared before the Trial Court and recorded their statements.

5. Upon instructions received from Rai Sahab, Deputy Superintendent Jail, Bathinda, State counsel submits that all the prosecution witnesses have been examined.

6. Counsel representing complainant-respondent No.2 and injured-respondent No.3 has supported the terms of the settlement.

7. Heard counsel for the parties.

8. Pursuant to order dated 14.09.2023 passed by this Court, report has been received from the learned Judicial Magistrate, relevant extract of which is as under:-

“1) The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O in the case.?”

It is submitted that accused namely (1) Satnam Singh son of Jagir Singh (2) Sukhdev Singh son of Mohinder Singh (3) Mandeep Singh son of Lakhvir Singh (4) Gurmeet Singh @ Manna son of Balkar Singh (5) Gurwinder Singh son of Sukhdev Singh (6) Shubhinder Singh @ Sabha son of Raghbir Singh (7) Baljinder Singh son of Raghbir Singh. all resident of Village Malook Chack, Tehsil and District Gurdaspur was (sic were) accused in this case. All the accused have appeared before the court (sic and) recorded their statement.

The identity of the accused is verified from their adhaar cards. Moreso, identity of accused is also verified by investigation officer as well as by Ld. Counsel Sh.Ranjan Chohan, Advocate for all the accused in Court.

It is submitted that there are seven accused in the present FIR. It is further stated that name of Manjeet Kaur wife of Jagir Singh, resident of Village Malook Chak mentioned in the name of petitioners at Sr. No.7 is neither mentioned in the FIR nor in the Challan under section 173 Cr.PC.

According to the statement of Investigating Officer None of accused have (sic been) declared as proclaimed

offender.

2) *The name of the complainant and injured/aggrieved and whether all the (sic them) above appeared and made their statements in support of the compromise?*

It is further submitted that complainant namely Mukhtiar Singh son of Harbans Singh, resident of Village Malook Chak. P.S.Dorangla has (sic been) died and he is being represented through his legal representative/wife Amarjeet Kaur @ Ambo widow of Late Mukhtiar Singh.

It is further submitted that except Mukhtiar Singh, Sukhpreet Kaur was only injured in this case. Amarjeet Kaur @ Ambo representing complainant Mukhtiar Singh (since died) being his widow have (sic has) appeared and recorded her statement regarding compromise. Further injured namely Sukhpreet Kaur has also appeared and recorded her statement regarding compromise.

3) *The Stage of trial/proceedings;*

It is submitted that present case is fixed for defence evidence.

4) *If the compromise is genuine, Voluntary and out of free will of the parties.*

It is further submitted that from the statement of the parties, it appears that compromise is genuine, voluntary and without any pressure, coercion and undue influence. The original statements of the parties are enclosed herewith.

5.) *Whether any other criminal case is pending the accused.*

Accordingly (sic According to) to statement of the investigating officer no accused person is involved in any other FIR.”

9. In view of the report given by the learned Magistrate and the 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 bring an end to animosity enabling the parties to lead a harmonious and peaceful life.

10. Accordingly, the petition is allowed. FIR No.24 dated 22.08.2016, registered for offences under Sections 365, 342, 148, 149, 323

and 506, IPC, at Police Station Dorangla, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners No.1 to 6 and 8.

05.12.2023
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No