

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(286-2)

CRM-M-45877-2023
Date of Decision:- 05.12.2023

Surjan Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. G.S.Rawat, Advocate for the petitioners.

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

Mr.Deepak Arora, Advocate for the complainant-respondent No.2

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 Amrjeet Kaur alias Ambo wife of Late Mukhtiar Singh (petitioner No.5) as she has expired.

2. **Dismissed as withdrawn in so far as petitioner No.5 is concerned.**

3. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of cross case registered vide General Diary No.17 dated 26.03.2017, for offences under Sections 326, 324, 323, 452, 148 and 149, IPC at Police Station Dorangla, District Gurdaspur, Annexure P-2, in 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-3, arrived at between the parties.

4. Counsel for the petitioners submits that the petitioners and the complainant-respondent No.2 are neighbours and they had a dispute over common passage which has been amicably settled. He submits that the parties have appeared before the Trial Court and recorded their statements in support of the settlement.

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 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) Surjan Singh son of Harbans Singh (2) Sukhpreet Kaur @ Preet wife of Surjan Singh (3) Karam Singh son of Jagat Singh (4) Baldev Singh @ Deba son of Karam Singh (5) Amarjeet Kaur @ Ambo wife of Late Mukhtiar Singh (since died) (6) Kuldeep Singh @ Keepa son of Karam Singh (7) Angrej Singh @ Kallu son of Karam Singh (8) Gurnam Singh @ Happy son of Late Mukhtiar Singh, all resident of Village Malook Chack, Tehsil and District Gurdaspur were (sic are) accused in the present case.

The Ld. Counsel Sh.Rahul Puri, Advocate appeared for accused and he identify (sic identified) all the accused. Investigating Officer also identify (sic identified) all the accused and the identity of the accused was also verified by their identity cards in Court.

It is submitted that there are nine accused in the present FIR. It is further stated that as per the statement of Investigating Officer, Mukhtiar Singh (Cited in the challan report at sr. No.1) has been died.

It is further submitted that according to the statement of Investigating Officer, none of the accused have been declared proclaimed offender in the above noted FIR.

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 Manjeet Kaur wife of Jagir Singh was complainant in this case and as per the statement of Investigation Officer, except Manjeet Kaur there was no any other person injured in this case.

3) The stage of trial/proceedings;

It is also 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.

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

It is further submitted that from the statement of

Investigating Officer that no other criminal proceedings are pending against above noted accused persons with the complainant/respondents No.2 at Police Station Dorangla.”

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. Cross case registered vide General Diary No.17 dated 26.03.2017, registered for offences under Sections 326, 324, 323, 452, 148 and 149, IPC at Police Station Dorangla, District Gurdaspur, Annexure P-2, in 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 4 and 6 to 8.

05.12.2023
Kamal

(SUVIR SEHGAL)
JUDGE

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