

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

(263)

2023:PHHC:149734

CRM-M-50378-2022

Date of decision:- 23.11.2023

Kuljit Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Mohit Vashisht, Advocate
for the petitioners.

Mr.Anup Singh, AAG, Punjab.

Mr.Rajdeep Singh Chugh, Advocate
for respondent Nos.2 and 3

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.233 dated 23.12.2019, registered for offences under Sections 452, 323, 148, 149, IPC, at Police Station Dakha, District Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of the compromise dated 20.10.2022, Annexure P-2, arrived at between the parties.

2. Pursuant to orders dated 16.11.2022 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“i) As per statement of I.O. there are five accused named in the FIR i.e. Kuljit Singh, Malkit Singh, Avtar Singh, Rachpal Singh and Sukhdev Singh (since deceased).

ii) As per the statement of the I.O. the accused Avtar Singh was declared P.O. in FIR No.221 dated 06.10.2014 under Section 379 IPC, 21 Mining and Mineral Act, PS Sidwanbet, Ludhiana. Accused Kuljit Singh, Malkit Singh, Avtar Singh and Rachpal Singh are not proclaimed offender in this case.

iii) From the statements of the parties, which were got recorded by the Court, it clearly appears that the compromise

between the parties is genuine, voluntary and the same has been effected between the parties without any pressure, coercion or undue influence.

iv) As per statement of the I.O accused Avtar Singh was declared P.O. in FIR No.221 dated 06.10.2014 under Section 379 IPC, 21 Mining and Mineral Act, P.S. Sidwanbet, Ludhiana. Regarding remaining accused there was no other FIR.

v) As per the statement of the I.O. there is only one victim/complainant namely Jaspal Singh in the present FIR.”

3. Counsel for the petitioners submits that although Avtar Singh-petitioner No.3 was declared as proclaimed offender in the FIR No.221 dated 06.10.2014 but he was arrested and confessed his guilt. Counsel submits that vide judgment dated 01.06.2023, learned Judicial Magistrate, 1st Class, Jagraon convicted and held him guilty for offence under Section 379 IPC and 21 of the Mining and Minerals Act, 1957 and imposed a fine of Rs.2000/- which he has paid. Counsel submits that the present dispute has arisen out of the minor scuffle between the petitioner and the private respondents which has been amicably settled and the aforesaid report has been received after the statements of the parties were recorded.

4. Upon instructions from ASI-Atam Singh, State counsel submits that charges were framed but prosecution witnesses are yet to be examined.

5. Counsel representing respondent No.2 and 3 does not have any objection in case the compromise is given effect to.

5. Heard counsel for the parties.

6. Dispute has been amicably resolved amongst the parties with the intervention of the respectables by virtue of compromise, Annexure P-2.

7. 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 enable the parties to lead a harmonious and peaceful life.

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8. Accordingly, the petition is allowed. FIR No.233 dated 23.12.2019, registered for offences under Sections 452, 323, 148, 149, IPC, at Police Station Dakha, District Ludhiana, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

23.11.2023

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(SUVIR SEHGAL)
JUDGE

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