

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(262)

CRM-M-49657-2023

Date of Decision:- 20.12.2023

Binder Singh @ Gurmahinder Singh and others

...Petitioners

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. K.B.S.Mann, Advocate
for the petitioners.

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

Mr. Prateek Pandit, Advocate for
Mr. K.B.K. Mann, Advocate
for the 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.17 dated 09.02.2018, registered for offences under Sections 379, 430, 427, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Lambi, District Sri Muktsar Sahib, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of the compromise, Annexure P-2, arrived at between the parties, as well as affidavit, Annexure P-3, executed by respondent No.2.
2. Counsel for the petitioners has contended that the primary allegation against the petitioners is of having stolen canal water. He submits

that the allegations do not attract the offence under Section 379, IPC and the provision has been wrongly invoked by the State. Counsel submits that petitioner's land is contiguous with complainant's land and the dispute has been amicably resolved by compromise, Annexure P-2.

3. Counsel representing complainant-respondent No.2 does not have any objection in case the compromise is given effect to and the criminal proceedings are quashed.

4. Heard counsel for the parties.

5. Pursuant to order dated 03.10.2023 passed by this Court, report has been received from the learned Judicial Magistrate, relevant extract of which is as under:-

"1. As per statement of IO, Six persons were arraigned as accused namely (1) Binder Singh alias Gurmahinder Singh aged about 42 years son of Tar Singh, (2) Kashmir Singh aged about 33 years son of Kaka Singh, (3) Hardeep Singh alias Heeta aged about 38 years son of Hakam Singh, (4) Kuldeep Singh aged about 35 years son of Teja Singh, (5) Lakhwinder Singh alias Lakha aged about 41 years son of Sukhdev Singh all residents of village Waring Khera, Tehsil Malout, District Sri Muktsar Sahib and (6) Gora Singh son of Tar Singh resident of village Waring Khera, Tehsil Malout (now died) and accused namely (1) Binder Singh alias Gurmahinder Singh, (2) Kashmir Singh, (3) Hardeep Singh alias Heeta, (4) Kuldeep Singh and (5) Lakhwinder Singh alias Lakha appeared in the Court and have suffered their statements. As per the police record, no accused is absconding or has been declared PO/Proclaimed person in this case.

2. As per the statement of IO, Jalour Singh son of Kaka Singh is the complainant and he has already made his statement in the Court in support of the compromise and accused persons namely (1) Binder Singh alias Gurmahinder Singh, (2) Kashmir Singh. (3) Hardeep Singh alias Heeta, (4) Kuldeep Singh and (5) Lakhwinder Singh alias Lakha and complainant are parties to the compromise.

3. As per record, challan is (sic in) this case was already

presented in the Court and trial is at the stage of prosecution evidence.

4. *As per the statement of parties, the compromise, which has been entered into by the parties in this case, is genuine, voluntary and without any coercion or undue influence.*

5. *As per statement of IO, accused persons are not involved in any other FIR.”*

6. 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 the animosity enabling the parties to lead a harmonious and peaceful life.

7. Accordingly, petition is allowed. FIR No.17 dated 09.02.2018, registered for offences under Sections 379, 430, 427, 506, 148 and 149 of the Indian Penal Code, 1860, at Police Station Lambi, District Sri Muktsar Sahib, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

20.12.2023
Kamal

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