

270 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53880-2023
DATE OF DECISION:-19.12.2023

Ramandeep Singh

...Petitioner.

vs.

State of Punjab and another

...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Navneet Singh, Advocate,
for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

Mr. Sahil Chaudhary, Advocate,
for respondent No.2.

HARKESH MANUJA, J. (Oral)

1. By way of present second petition under Section 482 Cr.P.C., the petitioner prays for quashing of FIR No.03, dated 11.01.2009, under Sections 447, 427, 506, 379, 148 and 149 IPC, registered at Police Station Khamano, District Fatehgarh Sahib (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise dated 16.04.2015 (Annexure P-5) and affidavit dated 02.04.2021 (Annexure P-9).

2. As per allegations levelled in the FIR, the petitioner along with other co-accused entered the plot of the complainant and destroyed the walls besides it, they also took away the entire construction material of the wall.

Though, the present FIR has been registered against total 08 persons including the present petitioner, however, the FIR qua other 07 has

already been quashed by this Court vide order dated 27.05.2015 passed in CRM-M-13416-2015 (Annexure P-6). It is pertinent to note that petitioner was previously declared as proclaimed offender under Section 82 Cr.P.C. vide order dated 08.12.2012 passed by the Trial Court. Thereafter, the petitioner approached this Court by way of CRM-M-42483-2023, which came to be partly allowed with liberty to file a fresh petition for quashing of FIR based on compromise vide order dated 31.08.2023. In compliance of aforesaid order, the petitioner surrendered before the Trial Court and stands released on bail.

3. In pursuance of order dated 20.10.2023 passed by this Court, whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 18.12.2023 has been received from the concerned Court, stating that compromise arrived at between complainant-Malkeet Singh and accused-Davinder Singh is genuine and is not result of any pressure or coercion in any manner. The same is valid. No accused has been declared as proclaimed person.

4. Once, the compromise has been arrived at between the parties without any pressure and respondent No.2 having no objection as regards quashing of FIR as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present FIR qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the FIR on the basis of compromise

entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this FIR. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, FIR No.03, dated 11.01.2009, under Sections 447, 427, 506, 379, 148 and 149 IPC, registered at Police Station Khamano, District Fatehgarh Sahib as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

7. Accordingly, petition stands allowed subject to payment of costs of Rs.5,000/- to be deposited by the petitioner with the **Society for the Care of the Blind, A/c No.10506615304**, State Bank of India, Sector 7-C, Chandigarh, within a period of two weeks from the date of receipt of certified copy of this order.

19.12.2023

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No