

CRM-M-48326-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(285)

CRM-M-48326-2019
Date of Decision:- 20.11.2023

Tajinder Singh @ Nischal Nihang

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Chandeeep Singh, Advocate
for the petitioner.

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

Mr. Bhupinder Gupta, Advocate and
Mr. Lalit Sharma, Advocate
for 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.59 dated 28.05.2019, registered for offences under Sections 323, 324, 506, 148, 149, IPC, at Police Station Division No. 5, District Police Commissionerate Jalandhar, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of the compromise dated 19.08.2019, Annexure P-2, arrived at between the parties.
2. Pursuant to orders dated 14.11.2019 and 22.08.2022 passed by this Court, report has been received from the Judicial Magistrate, relevant extract of which is as under:-

“ 1. It is respectfully submitted that as per the statement of ASI Ranjit Singh no.2692, there are total five accused persons arrayed in the present FIR by name i.e. Tejinder Singh @ Nischal Nihang, Prabhjot Singh @ Prabh @ Sher Singh, Teetan son of Joginder, Manjit Singh @ Nihang and Mukesh Manga Travel Agent (accused not traced out due to incomplete particulars).

2. It is respectfully submitted that as per the statement of ASI Ranjit Singh no.2692 accused Tejinder Singh @ Nischal Nihang, Prabhjot Singh @ Prabh @ Sher Singh, Teetan son of Joginder and Manjit Singh @ Nihang are not declared as proclaimed offender in this case. It is stated by IO that due to incomplete particulars / address of accused Mukesh Manga, Travel Agent in the FIR, no information regarding his being proclaimed offender or being charge-sheeted in any other FIR can be traced out.

3. It is respectfully submitted that after going through the statements of complainant Gaurav Kumar Sharma recorded through video conferencing, victim Harmeet Singh and accused Tejinder Singh @Nischal Nihang, it is seen that compromise effected between parties i.e. Mark A has been effected between Gaurav Kumar and Tejinder Singh @ Nischal Nihang (minor through his natural guardian / father Kulwinder Singh). As per statement of IO there are five accused persons arrayed in the present case namely, Tejinder Singh @ Nischal Nihang, Prabhjot Singh @ Prabh @ Sher Singh, Teetan son of Joginder, Manjit Singh @ Nihang and Mukesh Manga Travel Agent. It is pertinent to mention here that Kulwinder Singh is not accused in the present case but he has got recorded his statement being party to the compromise Mark A which has been entered between Gaurav Kumar Sharma and Tejinder Singh @ Nischal Nihang being minor through his father Kulwinder Singh. Further, it is pertinent to mention here that

although, Harmeet Singh got recorded his statement as being victim stating that compromise has been effected between the parties voluntarily but neither he is party to compromise Mark A nor he is a victim as per the statement of IO ASI Ranjit Singh who stated that Harmeet Singh is only an eye witness to the occurrence in the present FIR. As such, from perusal of the statements of complainant Gaurav Kumar Sharma and appearing accused Tejinder Singh @ Nischal Nihang, it is evident that compromise between them has been effected voluntarily without any pressure, coercion or undue influence from any quarter and seems to be genuine.

4. *It is respectfully submitted that as per the statement of ASI Ranjit Singh no.2692 there is no other FIR's against the accused Tejinder Singh @ Nischal Nihang, Prabhjot Singh @ Prabh @ Sher Singh, Teetan son of Joginder and Manjit Singh @ Nihang. It is stated that due to incomplete particulars/address of accused Mukesh Manga, Travel Agent in the FIR, no information regarding his being proclaimed offender or being charge-sheeted in any other FIR can be traced out.*

5. *It is respectfully submitted that challan is not yet presented in the court and trial has not yet commenced.”*

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

4. Heard counsel for the parties.

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

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

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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.

7. Accordingly, the petition is allowed. FIR No.59 dated 28.05.2019, registered for offences under Sections 323, 324, 506, 148, 149, IPC, at Police Station Division No. 5, District Police Commissionerate Jalandhar, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

20.11.2023
Kamal

(SUVIR SEHGAL)
JUDGE

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