

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

262

CRM-M-862-2020

Date of decision: 17.07.2023

Manjit Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**Present:** Mr. Mandeep Singh, Advocate
for the petitioners.

Mr. A.P.S. Tung, DAG, Punjab.

Mr. Vishal Mittal, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (ORAL)

1. At the outset, counsel for the petitioner submits that petitioner No.1 has expired and petitioner No.3 has not appeared before the trial Court to record the statement in support of the compromise. He seeks and is granted permission to withdraw the petition in so far as petitioners No.1 and 3, are concerned.

2. **Dismissed as withdrawn qua petitioners No.1 and 3.**

3. Instant petition has been filed under Section 482 Cr.PC seeking quashing of FIR No.71 dated 13.05.2008 registered under Sections 307, 323, 148 and 149 Indian Penal Code, 1860 and Sections 25 Arms Act, 1959 (Sections 307 and 148 IPC were deleted later on) at Police Station Sadar Muktsar, District Sri Muktsar Sahib on the basis of compromise dated 18.09.2019 and affidavit dated 18.09.2019 (Annexures P-3 and P-4).

4. In deference to order dated 12.01.2023, report has been received from the trial Court. The relevant extract of the same is as under:

"(i) FIR No. 71 dated 13.05.2008 under Sections

307,323,148,149 IPC & 25,54,59 of Arms Act 1969 (section 307 and 148 of IPC was deleted after investigation) at P.S.Sadar Muktsar (now PS Lakhewali) was got registered by Resham Singh complainant against the accused namely (1) Manjit Singh son of Jaspal Singh (Now Deceased), (2) Gurdeep Singh son of Jaspal Singh, (3) Jagjit Singh son of Jaspal Singh, (4) Avtar Singh son of Gurmant Singh, (5) Iqbal Singh son of Gurmant Singh. (6) Ranjit Singh son of Iqbal Singh all residents of village Phullewala Tehsil & District Sri Mukatsar Sahib and (7) Gurpreet Singh son of Avtar Singh resident of village Phullewala, Tehsil & District Sri Mukatsar Sahib i.e. (Petitioners no.1 to 7 in CRM-M-862-2020) and (8) accused Jaspal Singh son of Gurmail Singh (Now Deceased) resident of village Phullewala, Tehsil & District Sri Mukatsar Sahib. Accused Manjit Singh son of Jaspal Singh has expired on 10.05.2021 i.e. after filing of petition before Hon'ble High Court and accused Jaspal Singh son of Gurmail Singh has expired on 08.12.2010 i.e. before filing of petition before Hon'ble High Court and photocopies of their death certificates are Ex.C1 & Ex. C2 respectively.

However, as stated by complainant and remaining accused persons, one of accused i.e. accused Jagjit Singh son of Jaspal Singh (Petitioner no.3 in CRM-M-862-2020) has not come present and is not interested to appear before this court for getting his statement recorded with regard to compromise despite many requests made by them to him and he refused to appear before this Court for recording statement. Even, one of them i.e. accused Gurdeep Singh is real brother of said Jagjit Singh.

(ii). None of the accused is facing the trial as no proceedings of this case are pending in the court. None of accused was declared as proclaimed offender.

(iii) No proceedings are pending before the Court. However, police. has prepared the cancellation report in this case.

(iv) From the aforesaid statements, it seems that the parties except accused petitioner no.3 Jagjit Singh son of Jaspal Singh have voluntarily, without any pressure or coercion or undue influence, and out of their free will and consent have entered into

the compromise between themselves and have settled the matter amicably and the said compromise seems to be voluntary, genuine and true. However, in the absence of accused/petitioner no.3 Jagjit Singh son of Jaspal Singh, it cannot be said that he voluntarily, without any pressure or coercion or undue influence, and out of his free will and consent has entered into the compromise and has settled the matter amicably."

5. Keeping in view the above development, report of the Trial Court and the judgments of Supreme Court in ***B.S. Joshi and others Versus State of Haryana and another (2003) 2 RCR (Criminal) 888*** and ***Narinder Singh Versus State of Punjab (2014) 6 SCC 466*** this Court is of the opinion that keeping the criminal proceedings alive would not serve any purpose and setting them aside would enable the parties, who are co-villagers, to lead a peaceful and harmonious life.

6. Accordingly, petition is allowed. FIR No.71 dated 13.05.2008 (Annexure P-1) registered under Sections 307, 323, 148 and 149 Indian Penal Code, 1860 and Sections 25 Arms Act, 1959 (Sections 307 and 148 IPC were deleted later on) at Police Station Sadar Muktsar, District Sri Muktsar Sahib, is quashed **qua petitioner Nos.2 and 4 to 7.**

17.07.2023

Parveen kumar

**(SUVIR SEHGAL)
JUDGE**

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No