

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224-2

CRM-M-18676-2023
Date of Decision : March 01, 2024

AMANPREET SINGH @ AMNA @ AMANDEEP SINGH GILL

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Puneet Sharma, Advocate for
Mr. J.S. Bhinder, Advocate
for the respondents No.2 and 3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as cast under Section 482 of the
Cr.P.C., the petitioner craves for the hereinafter extracted relief(s):-

*“Quashing of Complaint No. COMI/146/2015, titled as
“Rajbinder Singh vs. Ranjodh Singh and others”, under
Sections 365, 368, 384, 323, 324, 506, 120-B, 148, 149 of the
IPC, and, Sections 25, 27 of the Arms Act, P.S. City Moga,
District Moga, along with all the consequential proceedings
arising therefrom, on the basis of compromise dated
21.03.2023 (Annexure P-4), as entered inter se the parties
before this Court.”*

2. Upon an affirmative response from the learned counsel for the
respondents No.2 and 3 *qua* the compromise (Annexure P-4), a Co-ordinate
Bench of this Court had, through an order drawn on 07.12.2023, upon the

instant petition, directed the petitioner to, as he was declared “Proclaimed Person”, surrender before the learned trial Court concerned on 22.12.2023. In addition, it was also directed that, in case the petitioner surrenders and makes an appropriate application, he shall be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned. Moreover, the petitioner was also burdened with costs of Rs.30,000/- to be deposited with ‘Poor Patient Welfare Cell’, PGIMER, Sector 12, Chandigarh. Nonetheless, the parties were also directed to appear before the trial Court/Illaq Magistrate concerned, for getting their respective statements recorded *qua* authenticity of the compromise (Annexure P-4), and, the trial Court/Illaq Magistrate concerned was also directed to send a report in the above regard.

3. Consequent to the making of the directions (*supra*), the parties appeared before the Judicial Magistrate 1st Class, Moga and got their respective statements recorded, thereby authenticating the compromise (Annexure P-4). Accordingly, in compliance of the directions (*supra*) of this Court, Report has been received from the Judicial Magistrate 1st Class, Moga, wherein, a satisfaction has been recorded by the Magistrate concerned *qua* the compromise (*supra*) being drawn in a genuine and voluntary manner, without any coercion or undue influence.

4. I have heard counsel for the parties and gone through the case file.

5. A Co-ordinate Bench of this Court, in **CRM-M-25669-2020 (O&M)**, titled “**Abhishek Singh & others V/s State of Punjab & others**”, **Pronounced on: 07.04.2022**, while granting a similar relief, as craved in the

instant petition, has observed as under:-

“9. The following aspects would be relevant to conclude this petition:-

- a) The accused and the private respondents have amicably settled the matter between them in terms of the compromise deed and the statements recorded before the concerned Court;*
- b) A perusal of the documents reveal that the settlement has not been secured through coercion, threats, social boycotts, bribes, or other dubious means;*
- c) The victim has willingly consented to the nullification of criminal proceedings;*
- d) There is no objection from the private respondents in case present FIR and consequent proceedings are quashed;*
- e) In the given facts, the occurrence does not affect public peace or tranquillity, moral turpitude or harm the social and moral fabric of the society or involve matters concerning public policy;*
- f) The rejection of compromise may also lead to ill will. The pendency of trial affects career and happiness;*
- g) There is nothing on the record to prima facie consider the accused as an unscrupulous, incorrigible, or professional offender;*
- h) The purpose of criminal jurisprudence is reformatory in nature and to work to bring peace to family, community, and society;*
- i) The exercise of the inherent power for quashing the conviction, sentence and all previous proceedings is justified to secure the ends of justice.”*

6. In the light of the hereinabove recorded aspects and considering the fact that the offences, for which the petitioner/accused has been charged, are not grave in nature, as also in view of the law laid down in ***Gian Singh Vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Kulwinder Singh and others Vs. State of Punjab 2007(3) RCR (Criminal) 1052***, the present petition for quashing the Complaint (supra) is hereby allowed.

7. Resultantly, Complaint No. COMI/146/2015, titled as “Rajbinder Singh vs. Ranjodh Singh and others”, under Sections 365, 368, 384, 323, 324, 506, 120-B, 148, 149 of the IPC, and, Sections 25, 27 of the Arms Act, P.S. City Moga, District Moga, along with all the consequential proceedings arising therefrom, is hereby quashed, on the basis of compromise dated 21.03.2023 (Annexure P-4).

March 01, 2024
devinder

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No