

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31167-2024 (O&M)

Reserved on: 05.08.2024

Date of Pronouncement: 30.08.2024

Nishan Singh and others

... Petitioner(s)

Versus

State of Punjab and another

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Ramnish Puri, Advocate
for the petitioner(s).

Mr. Jasjit Singh, DAG, Punjab.

Mr. Gurpreet Singh, Advocate
for respondent no.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
71	22.05.2015	Sadar Amritsar, District Amritsar	364, 120-B IPC (341, 323, IPC added later on)

The petitioner(s), arraigned as accused in the above captioned FIR, has/have come up before this Court under Section 482 CrPC for quashing of the FIR and all consequential proceedings based on the compromise with the aggrieved person(s).

2. During the pendency of the criminal proceedings, the accused and the aggrieved person(s) have compromised the matter, and its copy is annexed with this petition as Annexure P-2.

3. After that, the petitioner(s) came up before this Court to quash the FIR, impleading the aggrieved persons as respondent no.2.

4. Pursuant to order of this Court dated 04.07.2024, the aggrieved person(s) (Respondent no.2), appeared before the Additional Sessions Judge, Amritsar and stated that there would be no objection if the Court quashes this FIR and consequent

proceedings. The relevant extract of the report of the concerned Court reads as follows:

Name of the reporting Court	Additional Sessions Judge, Amritsar.	
Criminal Case no. before trial Court	SC/190/2018 (CNR No. PBAS00055832018)	
1.	Names of the complainant/ victims(s)/ aggrieved persons(s)	Sumanpreet Kaur wife of Jaspal Singh.
2.	Dates on which the statement(s) of the complainant/ victims(s)/ aggrieved persons(s) were recorded	15.07.2024
3.	Has the identity of the complainant/ victims(s)/ aggrieved persons(s) been verified?	Yes
4.	Whether all the victims/ all the aggrieved persons have compromised the matter?	Yes
5.	Is there pressure, threat, or coercion upon the victim(s)/aggrieved person(s)/complainant?	No
6.	Names of the accused person(s)	i) Nishan Singh ii) Joban Singh @ Robin Singh iii) Ranjit Singh @ Nikku iv) Surjan Singh
7.	Dates on which the statement(s) of the accused persons(s) recorded	15.07.2024
8.	Whether all the accused have compromised the matter? If no, then the names of the accused who have compromised.	Yes
9.	Whether proclamation proceedings are pending against any accused?	No
10.	Has the police report been filed or not?	Police report has been filed on 07.01.2017 against accused Surjan Singh and Joban Singh.
11.	Notice of accusation /Charges have been framed or not?	The charge against accused Surjan Singh and Joban Singh was framed on 18.08.2017 before Learned Trial Court and thereafter on 12.10.2022 charge upon accused Joban Singh @ Roban Singh Nishan Singh and Ranjit Singh was re-framed.
12.	Sections of statutes invoked in the matter	As per challan/final report under Section 173 of Cr.P.C., FIR in this case i.e. bearing No.71 dated 22.05.2015 was registered under Sections 364, 341, 323, 120-B IPC and challan in the said case was presented for the said offences.
13.	Whether the court is satisfied with the genuineness of the compromise?	Yes

ANALYSIS & REASONING:

5. However, the petitioners did not arraign Sukhwinder Singh, victim, who is alleged to have been kidnapped, as a respondent in this case nor he is signatory to the compromise.
6. Since all the victims did not state about their no objection to the compromise and also the reasons which led to the compromise, as such this court cannot proceed further in this matter.
7. Given above, the petition is dismissed. However, liberty is reserved to the petitioners to file a fresh petition and there would be no necessity to re-examine the complainant and the accused, whose statements stand recorded. The copies of the statements along with report would suffice.

Petition dismissed in the terms mentioned above, with liberty reserved.

(ANOOP CHITKARA)
JUDGE

August 30, 2024
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No