
(2019) 05 P&H CK 0079

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 44520 Of 2018

Kuldeep Singh And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 13-05-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 173, 482

Indian Penal Code, 1860 — Section 148, 149, 323, 326, 427, 452

Citation : (2019) 05 P&H CK 0079

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Veneet Sharma, C.L. Pawar, Sandeep Sharma

Final Decision : Allowed

Judgement

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 for quashing of FIR No.49 dated 03.05.2013, under Sections 323, 326, 427, 452, 148, 149 of Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Bhindi Saidan, Amritsar Rural, District Amritsar along with all other consequential proceedings arising therefrom, on the basis of compromise/affidavit (Annexure P-2) arrived at between the parties.

As per FIR, the brief facts of the case are that Jaswinder Singh son of Pargat Singh who is the resident of Toor, Dhupsari stated that he is present Sarpanch of Gram Panchayat Dhupsari and is commission agent and also an agriculturist. On 28.04.2013, he gave 14 kanals of land on lease @ Rs.30,000/- per acre to accused persons and asked them to sell the crop at his stock so that he could deduct his lease money and expenditure and pay them the remaining. The deal was struck orally in the presence of respectable persons. Mukha Singh etc. cut the crop and said that they shall take it and give the money as per their wishes. Kuldeep Singh, Mehnga Singh, Amrik Singh, Sucha Singh, and Satta Singh came to the spot and they started taking the heaps of wheat to village Burj on the way to Dera. Jaswinder Singh came outside of Dera and tried to make them

understand. Sukha Singh raised lalkara to catch hold of him and tecah him a lesson. He ran to save himself and entered in the house. Kuldeep Singh attacked him with his Datar on his left elbow and Mehnga Singh son of Ananta Singh attacked with his Gandasi on his left hand, Amrik Singh attacked with his Dang on the bicep of his right arm, Sucha Singh Anant Singh attacked with Dang which hit on the left side of his chest and Satta Singh son of Mahanata Singh attacked on the right side of his shoulder. This incident was witnessed by Bhagat Singh and Gursewak Singh, residents of Toor and they raised noise killed-killed, upon which, all of them ran away from the spot alongwith their weapons. While running, they also caused damage to his car.

Heard learned counsel for the parties and perused the paper book.

On 08.10.2018, while issuing notice of motion the following order was passed by this Court:-

"Heard.

Learned counsel for the petitioners submits that the matter has since been amicably settled vide compromise by way of affidavit of respondent No.2, copy of which has been placed on file as Annexure P-2.

Notice of motion.

Mr. Sandeep Sharma, Advocate, has put in appearance on behalf of respondent No.2 and filed power of attorney.

Parties may appear before the trial Court on 03.11.2018 or on any other date convenient to the trial Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the trial Court. In the event of their statements being recorded, the trial Court will send copies of the same to this Court with its report:

- (i) regarding genuineness and voluntary nature of the compromise;
- (ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- (iii) whether any other proceeding is pending against the accused/petitioners.

Report of trial Court be awaited for 17.01.2019."

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate Ist Class, Ajnala and submitted a report dated 05.12.2018. The operative part of the same reads as under:-

"In view of the aforesaid statement, this court is of the considered view that the matter has been amicably settled between the complainant and accused party. The compromise is genuine, voluntary, without any coercion or undue influence. There are total six accused in the present case and are on bail. No other proceedings against the accused is pending in this Court."

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence and no one has been declared as proclaimed offender in this case.

Learned counsel for the petitioners submits that report under Section 173 of Cr. P.C. has been submitted before learned trial Court.

Learned State counsel, on instructions from Assistant Sub Inspector Baldev Singh has acknowledged the above fact and further stated that State has no objection in case the present FIR as well as all other consequential proceedings are quashed, on the basis of the compromise effected between the parties. Also submits that in this case injuries are on non-vital part of the body. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

Since the injuries are on the non vital part of the body, in view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility; and thus, quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice.

Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom, are quashed, qua the petitioners.