

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

CRM-M-48547-2017

Date of decision:- 23.05.2018

Lovejeet Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Suresh Kumar Arya, Advocate,
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab.

Mr. A.K. Spehia, Advocate,
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No.24 dated 29.01.2015, under Sections 379, 382, 411 and 34 IPC, registered at Police Station Civil Line, District Amritsar, on the basis of compromise entered into between the parties.

2. The allegations in the FIR are that on 29.01.2015 when complainant Sukhwinder Kaur after finishing her work from the ICICI Bank came near to her Activa, then one phone call came on her

mobile phone and while she was hearing the said call, two boys came on splendor motorcycle from the back side and forcibly snatched her mobile phone and ran away towards front side. It is further alleged that on hearing the crying of the complainant, public people going on the road chased the said two boys and apprehended them near M.K. Hotel. Consequently, on the statement of complainant, the present FIR has been registered against the present petitioners.

3. While issuing notice of motion, the following order was passed by a Co-ordinate Bench of this Court on 19.12.2017: -

“Present petition under Section 482 Cr.P.C. for seeking quashing of FIR No. 24 dated 29.1.2015, registered under Section(s) 379, 382, 411 & 34IPC at Police Station Civil Lines, District Amritsar on the basis of compromise dated 21.11.2017 (Annexure P2).

Learned counsel for the petitioners contended that the parties have amicably settled their disputes with the intervention of the respectables. He further contended that challan has not yet been presented in the Court.

Notice of motion.

On asking of the Court, Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab accepts notice on behalf of respondent(s) No. 1. Mr. Anil Kumar Spehia, Advocate, who is present in the Court, has put in appearance on behalf of respondent(s) No. 2 and affirmed the fact of compromise effected between the parties.

In view of the matter, the parties are directed to appear before the trial Court/Area Judicial Magistrate on 15.1.2018 for getting their statements recorded with regard to the compromise arrived at between them.

The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) status/stage of the trial/case, (iii) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (iv) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 1.2.2018.”

4. It transpires that statement of the parties could not be recorded in terms of order dated 19.12.2018 and again one opportunity was granted to them by this Court, vide order dated 01.02.2018 and the same reads as under: -

“Learned counsel for respondent No.2 seeks more time to get recorded his statement in pursuance of order dated 19.12.2017.

Permitted to do so.

Parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 15.2.2018 to get their statement recorded with regard to compromise/settlement. The Illaqa Magistrate/trial Court is directed to submit a report to this Court on or before the next date of hearing containing the following information:-

- i. Number of persons arrayed as accused in FIR.
- ii. Whether any accused is proclaimed offender.
- iii. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

List on 28.2.2018.”

5. Consequently, in terms of above-said orders, learned Chief Judicial Magistrate, Amritsar recorded the statements of both the parties and submitted a report dated 23.02.2018 and operative

part of the same reads as under: -

“On 15.02.2018, the complainant namely Sukhwinder Kaur Sohi wife of Balkar Singh Sohi, r/o H.No. 119-A, Block Ranjit Avenue, Tehsil & District Amritsar (Punjab), who has got registered the captioned FIR against the petitioners namely Lovejeet Singh s/o Avtar Singh, aged 22 years, r/o H.No.502, New Mohini Park, Opposite Khalsa College and Gurparkash Singh s/o Sh. Amarjit Singh, aged about 19 years, r/o VPO Chabba, Tehsil & District, Amritsar, has come present in this Court and stated that the entire matter has been settled with the above said petitioners. The petitioner namely Lovejeet Singh has also come present in this Court on 15.02.2018 and the petitioner namely Gurparkash has not appeared in this Court on 15.02.2018. Both the aforementioned petitioners have also appeared in this Court on the last date i.e. 15.01.2018 and stated that the entire matter has been settled with the above said complainant while the complainant was not appeared on the last date i.e. 15.01.2018 in this Court.

It is further respectfully submitted that as per the statements of ASI Jatinder Singh, No.3680/Amritsar City, presently posted at Police Post-Ranjit Avenue, Police Station-Civil Lines, Amritsar, there are only three accused namely Sukhwinder Singh @ Newly s/o Suba Singh, r/o Gali No.7, Navi Abadi, Amritsar and two aforementioned accused arrayed in the present case/FIR, who have never been declared proclaimed offender, in this case, by any of the Court, till date, as per record.

From the statements of the parties, it transpires that parties have willfully settled their differences and reached at bonafide compromise without any pressure and the same seems to be genuine.”

6. A perusal of the report reveals that the compromise entered into between the parties is genuine and without any pressure. Even before this Court also, the parties are not disputing the factum of compromise arrived at between them.

7. Learned State counsel, on instructions from ASI Ramesh Kumar, has submitted that report under Section 173 Cr.P.C. has been submitted before the learned Illaqa Magistrate in this case on 07.11.2017. He has also submitted that although the matter has been compromised, but some costs should be imposed upon the petitioners as a deterrence

8. The stand taken by the learned State counsel seems to be justified.

9. In view of the above, this Court is fully convinced that the continuance of the proceedings will be an exercise in futility and thus, the FIR in question along with all consequential proceedings on the basis of compromise is liable to be quashed, subject to payment of costs upon the petitioners. Consequently, the impugned FIR and all consequential proceedings resulting therefrom, qua petitioners, are hereby quashed, subject to payment of costs of ₹50,000/- (Rupees Fifty Thousand), i.e. ₹25,000/- (Rupees Twenty Five Thousand) each by the petitioners. Out of ₹50,000/- (Rupees Fifty Thousand), an amount of ₹25,000/- (Rupees Twenty Five Thousand) be paid to the State of Punjab and the same be deposited with the Senior

Superintendent of Police, Amritsar, within a period of two months from today and remaining amount of ₹25,000/- (Rupees Twenty Five Thousand) shall be handed over to victim-respondent No.2 by way of demand draft.

10. Present petition is allowed in the above terms.

11. However, it is made clear that in case the above-said amount of costs is not deposited by the petitioners within a period of two months from the date of receipt of certified copy of this Court, the present petition will be deemed to be dismissed.

May 23, 2018
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(MAHABIR SINGH SINDHU)
JUDGE

Whether reportable?	Yes
Whether reasoned/speaking?	Yes