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

CRM-M-7008 of 2019

Date of decision: November 27, 2019

Rohit Kumar and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Dr. Jolly Sharma, Advocate for the petitioners.

Mr. Arun Bansal, AAG Haryana.

Mr. S.K. Chaudhary, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 482 of Code of Criminal Procedure, 1973, for quashing of FIR No.05 dated 31.01.2018, under Sections 457, 381, 34 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 473, 201, 411 of IPC added later on), registered at Police Station Division No.1, District Pathankot, along with all other consequential proceedings, on the basis of compromise dated 21.01.2019.

On 14.02.2019, while issuing notice of motion, following order was passed by this Court:-

“Present petition under Section 482 Cr.P.C. for seeking quashing of FIR No. 5 dated 31.01.2018, registered under Section(s) 457, 381 & 34 IPC (Sections 473, 201 & 411 IPC were added lateron) at Police Station Division No.1, District Pathankot on the basis of compromise dated

21.01.2019 (Annexure P2).

Learned counsel for the petitioners contended that the parties have amicably settled their disputes with the intervention of the respectables.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of respondent(s) No. 1. Mr. S.K.Chaudhary, 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 27.02.2019 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) whether any of the accused was declared proclaimed offender at any stage of trial (iii) status/stage of the trial/case, (iv) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (v) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 27.03.2019.”

Thereafter, again on 27.03.2019, this Court has passed the following order:-

“In compliance of order dated 14.02.2019, trial court report regarding compromise has been received.

In the fitness of things, first the petitioners are directed to deposit ₹10,000/- with the 'Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and ₹5,000/- with "Prabh Aasra", Bank A/c

No.014894600000970, Yes Bank Branch, SCO 151/152, Sector- 9C, Chandigarh, total ₹15,000/- as costs, as a precondition for quashing the FIR in question. They can also opt to deposit the aforesaid amount of ₹10,000/- with the PGIMER online through its website "www.pgimer.edu.in" and produce the receipts duly verified by their counsel.

List on 02.05.2019. To be shown in the urgent list."

Learned counsel for the petitioners has apprised the Court that in terms of above order, an amount of ₹15,000/- has already been deposited and reference is made to Annexures P-4 and P-5.

In compliance of order dated 14.02.2019 passed by this Court, statements of both sides, i.e. petitioners as well as respondent No.2 were recorded by learned Chief Judicial Magistrate, Pathankot (for short 'JMIC') who submitted report dated 07.03.2019 and operative part of the same reads as under:-

"Keeping in view all the aspects and statements of complainant and the accused, this Court is of the considered view that statements of appearing parties are not the result of any pressure or coercion or undue influence and their compromise is voluntary and without any threat or force.

Report of this Court as follows:-

- (i) As per record, three accused are facing the trial.*
- (ii) As per record, none of the person has been declared as proclaimed offender at any stage of trial.*
- (iii) Trial stage is of framing of charge.*
- (iv) Statements of all the concerned parties are not the result of any pressure or coercion or undue influence and their compromise is voluntary.*

Report along with copies of statements of complainant and accused are submitted, with regards, as directed."

The extracted portion of said report reveals that the matter has been compromised between the parties with their free consent. Before this Court also, there is no objection by learned counsel for respondent No.2/complainant in case the FIR in question along with all consequential proceedings is quashed.

Learned State counsel, on instructions from ASI Sunder Singh, has also stated that they have no objection in case the FIR in question along with all consequential proceedings is quashed.

Since the matter has been compromised between the parties with their free consent and no public funds or tranquility are involved in the present case, rather the matter is entirely personal in nature; thus, this Court is fully convinced that quashing of FIR 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.

(MAHABIR SINGH SINDHU)
JUDGE

November 27, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No