

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(124)

CRM No. 37753 of 2021 in/and
CRM No. M-1104 of 2020
Date of Decision : 02.12.2021

Harsimran Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Piyush Sharma, Advocate for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Jaswinder Singh Grewal, Advocate
for respondents No. 2 and 3.

Harsimran Singh Sethi J. (Oral)

CRM No. 37753 of 2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-1104 of 2020, which now stands adjourned to 02.02.2022.

Learned counsel for the applicant-petitioners argues that the present is a case, where the prayer of the applicant-petitioners is for quashing of FIR on the basis of compromise and the statements of the parties have already been recorded by the Court below and the report has been sent to this Court and, therefore, the hearing of the main petition i.e. CRM-M-1104 of 2020 may kindly be preponed.

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conferencing, accepts notice on behalf of respondent-State and Mr. Jaswinder Singh Grewal, who has also joined the proceedings through video conferencing, accepts notice on behalf of respondents No. 2 and 3 and they have no objection for the grant of the prayer as raised in the present application.

Keeping in view the joint request of learned counsel for the parties, the main petition i.e CRM-M-1104 of 2020 is preponed from 02.02.2022 to today and is taken up for hearing.

CRM-M-1104 of 2020

In the present petition, the prayer of the petitioners is for quashing of FIR No. 173 dated 14.08.2018, under Sections 452, 323, 380, 427, 506, 148 and 149 IPC, registered at Police Station, City Ferozepur, District Ferozepur and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 13.01.2020 had passed the following order:-

“Learned counsel for the petitioners refers to Annexure P-2 to contend that a compromise has been effected between the parties for quashing of FIR No. 173 dated 14.08.2018, under Sections 452, 323, 380, 427, 506, 148 and 149 IPC, registered at Police Station, City Ferozepur, District Ferozepur.

Notice of motion.

On the asking of Court, Mr. Prabhjot Singh Walia, AAG, Punjab accepts notice on behalf of the State.

At this stage, Mr. Jaswinder S. Grewal, Advocate causes representation on behalf of respondent Nos. 2 and 3 and admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate on or before 06.02.2020 for recording their statements with regard to compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report on or before the next date of hearing fixed in the main case containing the following information:-

- 1. Number of persons arrayed as accused in FIR;*
- 2. Whether any accused is proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other case or not;*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.*

A copy of the report be also sent through fax to the Registrar Judicial of this Court.

Adjourned to 19.03.2020.”

In pursuance to the above mentioned order, a report has come from Chief Judicial Magistrate, Ferozepur, District Ferozepur addressed to the Registrar (General) of this Court dated 12.03.2020 along with the statements of the accused-petitioners as well as the complainants, which is as under :-

“Further, as desired, it is being specifically reported that :-

- i) There are two number of persons, arrayed as accused in the FIR,*
- ii) No accused is proclaimed offender. Statement of ASI*

Harnek Singh, No. 324/FZR has been recorded separately that as per office record, no accused has been declared proclaimed offender.

iii) From the perusal of statement of parties, it appears that the parties have entered into a compromise without any pressure or coercion, which is a valid and genuine compromise and out of free will of the parties.

iv) Further, as per statement of ASI Harnek Singh No. 324/FZR, accused Harsimran Singh is involved in this case only and accused Lucky Deora has been involved in seven other cases, as well.

v) Statement of IO has also been recorded to the effect that there is only one complainant in the present FIR namely, Amit Joshi and that of Jatinder Grover, is the eye witness in the present FIR.

Submitted with regards.”

As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against petitioner No. 1 but petitioner Lucky Deora is involved in other cases.

Learned counsel for the petitioners submits that in order to live peacefully, the parties have compromised their dispute and, therefore, the present petition may kindly be allowed and the FIR in question may be quashed on the basis of the compromise, a copy of which has been appended with this petition as Annexure P-2.

Learned counsel for the respondent No. 2 and 3/complainant admits the compromise as well as the statement made before the Chief Judicial Magistrate, Ferozepur and does not raise any objection, in case the

FIR in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances which have been mentioned herein before and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners except accused-petitioner Lucky Deora , this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, the FIR No. 173 dated 14.08.2018, under Sections 452, 323, 380, 427, 506, 148 and 149 IPC, registered at Police Station, City Ferozepur, District Ferozepur and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.15000/- as costs, to be deposited by the petitioners with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No. 014894600000970, SCO 151-152, Sector 9-C, Chandigarh or A/c No. 100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch.

December 02, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No