

CRM-25475-2021 in/and
CRM-M-4763-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-25475-2021 in/and
CRM-M-4763-2021
Date of decision: - 20.08.2021

Gurpreet Singh @ Gopi and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Prateek Pandit, Advocate, for the applicants-petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Baljinder Singh, Advocate
for Mr. Nitin Rampal, Advocate
for non-applicant/respondent No.2.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-25475-2021

Present application has been filed for preponing the hearing
of the main CRM-M-4763-2021, which now stands adjourned to
24.11.2021.

Notice of the application.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, who
has joined the proceedings through video conference, keeping in view the
service of advance copy of application, accepts notice on behalf of
respondent No.1-State.

Mr. Baljinder Singh, Advocate for Mr. Nitin Rampal, Advocate, who has also joined the proceedings through video conference, keeping in view the service of advance copy of application, accepts notice on behalf of respondent No.2.

Learned counsels for the non-applicants/respondents raises no objection for preponement of hearing of main petition i.e. CRM-M-4763-2021, as being prayed by the applicants-petitioners.

In view of the joint request of learned counsel for the parties, the present application is allowed and the hearing of main petition i.e. CRM-M-4763-2021 is preponed from 24.11.2021 to today.

CRM-M-4763-2021

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.267 dated 04.10.2020 under Sections 323, 324, 326, 341 and 34 IPC, registered at Police Station Kotwali, Kapurthala District Kapurthala, on the basis of the compromise, which has been entered into between the parties.

While allowing the CRM-3763-2021, the Coordinate Bench of this Court had passed the following order:-

“Prayer in this application is for issuance of a direction to the parties for recording of their statement before the trial Court/Illaqua Magistrate in support of the compromise.

Notice of the application.

Mr. Joginder Pal Ratra, DAG, Punjab and Mr. Nitin Rampal, Advocate, who are also appearing through video conferencing, accept notice of the application on behalf of the respondent-State and respondent No. 2/complainant, respectively.

Learned counsel for respondent No. 2 admits to the factum of compromise entered into between the parties.

Accordingly, the present application is allowed and the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaqa Magistrate is directed to submit a report on or before the next date of hearing 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 FIR 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 report has come from Judicial Magistrate 1st Class, Kapurthala, addressed to the Registrar General of this Court dated 16.03.2021, along with the statements of the accused-petitioners as well as the complainant, which have been recorded. As per the said report, the compromise between the parties is genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them.

Learned counsel for the petitioners submit that the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR alive.

Learned counsel for respondent No.2-complainant admits the compromise as well as the statements made before the Judicial Magistrate

1st Class, Kapurthala 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 hereinbefore 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, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.267 dated 04.10.2020 under Sections 323, 324, 326, 341 and 34 IPC, registered at Police Station Kotwali, Kapurthala District Kapurthala 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.15,000/- as costs, to be deposited with Prabh Asra, Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh by the petitioners.

August 20, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No