

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CRM-42315-2021 in/&
CRM-M-5089-2021
Date of Decision : 16.12.2021

Nachhattar Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ishan Gupta, Advocate for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Raja Paramdeep Saini, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)
CRM-42315-2021

The present application has been filed for preponing the date of hearing in CRM-M-5089-2021, which is fixed for 05.04.2022.

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, DAG, Punjab and Mr. Raja Paramdeep Saini, Advocate accepts notice on behalf of respondent-State and respondent No.2 respectively and raises no objection for the grant of prayer as made in the application for preponing the date of hearing in the main petition.

Keeping in view the same, the application is allowed. Date of hearing in main petition is preponed from 05.04.2022 to today and the case is taken up for hearing.

CRM-M-5089-2021

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.75 dated 14.05.2020 registered under Sections 188 & 506 of the IPC at Police Station Longowal, District Sangrur and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 03.02.2021, a Coordinate Bench of this Court had passed the following order:-

“The case has been taken up for hearing through video-conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 27.04.2021.

In the meanwhile, parties would appear before the Illaqa Magistrate on 12.02.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

A report dated 18.02.2021 has come from Judicial Magistrate 1st Class, Sangrur, addressed to the Registrar General of this Court 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. The relevant portion of the report is as under:-

“ On the basis of the above said statements, the report is submitted as under please:-

1. The compromise dated 29.12.2020 is valid and genuine and has been freely entered into by the parties without any undue influence, coercion or pressure of any kind.
2. As per record and statement of IO, no case is pending against accused persons.
3. As per record and statement of IO, total six accused persons are involved in this case.
4. No proclamation proceedings have been initiated against any of the accused persons.”

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, Sangrur 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.75 dated 14.05.2020 registered under Sections

188 & 506 of the IPC at Police Station Longowal, District Sangrur 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 cost, to be deposited with Prabh Aasra, (Unit of) u/o Universal Disabled Care Taker Social Welfare Society (who are maintaining Orphans) in Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioners.

December 16, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No