

CRM-32558-2021 in/and
CRM-M-5739-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-32558-2021 in/and
CRM-M-5739-2021
Date of decision: - 04.10.2021

Ishwar Singh @ Ishwar Malik and others

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jitender Singh Dadwal, Advocate,
for the applicants-petitioners.

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

Mr. Jasdeep Singh, Advocate
for non-applicants/respondents No.2 and 3.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-32558-2021

Present application has been filed for preponing the hearing
of the main CRM-M-5739-2021, which now stands adjourned to
30.11.2021.

Notice of the application.

Mr. Sandeep Singh Deol, 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. Jasdeep Singh, 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 respondents No.2 and 3.

Learned counsels for the non-applicants/respondents raises no objection for preponement of hearing of main petition i.e. CRM-M-5739-2021, 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-5739-2021 is preponed from 30.11.2021 to today.

CRM-M-5739-2021

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.195 dated 07.11.2020 under Sections 452, 427, 323, 506, 148 and 149 IPC, registered at Police Station Shimlapuri, District Ludhiana, on the basis of the compromise, which has been entered into between the parties.

While issuing notice of motion on 09.02.2021, a Coordinate Bench of this Court had passed the following order :-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer made in this petition is for quashing of FIR and all the consequential proceedings arising therefrom on the basis of the compromise between the parties.

Notice of motion for 10.05.2021.

At this stage, Mr. Jasdeep Singh Kailey, Advocate, has put in appearance on behalf of respondent No.2. He admits the factum of compromise entered between the parties.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement, on 22.03.2021.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender;
- (iii) The stage of trial/proceedings;
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

A report has come from the Judicial Magistrate 1st Class, Ludhiana, addressed to the Registrar General of this Court dated 06.04.2021, 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 voluntarily, without any sort of pressure, coercion and fear and none of the accused has been declared as proclaimed offender. The relevant part of said report is as under: -

“In their separate statements both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel. So, from the statements of the parties, it appears to the Court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

As per contents of the FIR as well as statement of the Investigating Officer and report of the concerned Ahlhad, there are only five persons i.e. petitioners arrayed as accused and they have not been declared as proclaimed offender.

As per report of the Ahlmad and statement of the Investigating Officer, only FIR has been presented by the police and no other remand papers is pending against accused/petitioners nor challan has been presented 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 respondents No.2 and 3 admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Ludhiana 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, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.195 dated 07.11.2020 under Sections 452, 427, 323, 506, 148 and 149 IPC, registered at Police Station Shimlapuri, District Ludhiana and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

The above order, subject to the cost of Rs.10,000/- to be paid

by the petitioners in 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,
as the litigation generated by the petitioners has wasted precious time of
not only this Court but also of the Court below.

October 04, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No