

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CRM-M-11294-2021 (O&M)

Date of Decision : December 10, 2021

Prabh Dayal

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chandan Singh, Advocate, for
Mr. Baltej Singh Sidhu, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Divij Dutt, Advocate, for respondents No. 2 and 3.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-35029-2021

Present application has been filed for placing on record
certified copies of Annexures P-5 and P-6.

Keeping in view the averments made in the application, the
same is allowed and Annexures P-5 and P-6 are permitted to be taken on
record.

CRM-M-11294-2021

In the present petition, the prayer of the petitioner is for
quashing of FIR No.316 dated 27.11.2020 registered under Sections 323
and 324 IPC (Section 326 IPC added later on) at Police Station City Malout,

District Sri Muktsar Sahib and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

This Court while issuing notice of motion on 25.10.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 316 dated 27.11.2020, registered under Section 323, 324 IPC (Section 326 IPC added later on) at Police Station City Malout, District Sri Muktsar Sahib, on the basis of compromise dated 25.02.2021 (Annexure P-2) entered into between the parties.

Learned senior counsel appearing on behalf of the petitioners submits that in order to live peacefully, parties have entered into compromise on 25.02.2021, according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1.

Mr. Divij Dutt, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondents No.2 and 3. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 10.12.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 18.11.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the

following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a 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, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.*

The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR is to be quashed.”

A report has come from Sub Divisional Judicial Magistrate, Malout, addressed to the Registrar General of this Court dated 01.12.2021 along with the statements of the accused-petitioner as well as the complainant which have been recorded. 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 them. The relevant part of the said report is as under:-

“From the aforesaid statements of the concerned parties, it appears that:-

- (1) Only one person is arrayed as accused in the FIR.*
- (2) Accused is not declared proclaimed offender.*
- (3) The parties have voluntarily, without any pressure or coercion or undue influence, and out of their free will and*

consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise seems to be voluntary, genuine and true.

(4) No other criminal case was registered against accused Prabh Dayal.

(5) There are two victims including complainant in this case namely Deepak Kumar and Des Raj. Both these victims as well as accused Prabh Dayal are party to the compromise in question as per compromise deed Ex.CI.

Hence, I am submitting my aforesaid report in compliance of the directions of Hon'ble Punjab and Haryana High Court, Chandigarh. Copy of compromise deed Ex.C1, copies of statements of the aforesaid persons alongwith copies of Ex.C-2 to Ex.C-4, are annexed herewith for kind persual as directed please.

Thanking you.”

Learned counsel for the petitioner submits 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 statement made before the Sub Divisional Judicial Magistrate, Malout 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No.316 dated 27.11.2020 registered under Sections 323 and 324 IPC (Section 326 IPC added later on) at Police Station City Malout, District Sri Muktsar Sahib 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, quashing of the FIR, will be subject to the payment of Rs.10000/- 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 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, by the petitioner.

December 10, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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