

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

230

CRM-M-10922-2020

Date of Decision : 06.12.2021

Anil Singla

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Achin Gupta, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Sukhjot Singh, Advocate for

Mr. J.S. Lalli, Advocate for respondents No.2 and 3.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.263 dated 20.12.2018 registered under Section 406 of the IPC and Section 3 (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Kotwali Bathinda, District Bathinda and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 16.03.2020, a Coordinate Bench of this Court had passed the following order:-

“Prayer in this petition is for quashing of the FIR in question on the basis of the compromise entered into between the

parties.

Notice of motion.

At this stage, Mr. J. S. Lalli, Advocate puts in appearance on behalf of respondent Nos. 2 and 3 and files his *Vakalatnama*. He admits to the factum of compromise entered into between the parties.

List again on 14.05.2020.

In the meantime, 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 dated 16.11.2021 has come from Chief Judicial Magistrate Bathinda, addressed to the Registrar General of this Court 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 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:-

“As per the directions of Hon'ble High Court, the report is as under:-

1. In view of the statements of complainants as well as Investigating Officer, only one person i.e. petitioner Anil Singla is arrayed as accused in the

present case FIR.

2. In view of statement of petitioner as well as Investigating Officer, no accused has been declared proclaimed offender.
3. In view of the statements of parties, the statements of parties appears to be bonafide. The statements have been suffered by the parties are genuine, voluntary and out of their free will and same are not the result of any pressure, undue influence or coercion in any manner.
4. In view of the statement of petitioner/ accused, he is not involved in any other FIR.
5. In view of the statements of Investigating Officer, except complainant/respondents No.1 & 2 Sukhwinder Singh and Baldish Kaur respectively, there is o other complainant/victim in the present case FIR.”

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 statements made before the Chief Judicial Magistrate, Bathinda 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.263 dated 20.12.2018 registered under Section 406 of the IPC and Section 3 (1) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 at Police Station Kotwali Bathinda, District Bathinda 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.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 petitioner.

December 06, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No