

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215-A)

CRM-M-17024-2021

Date of Decision : November 12, 2021

Sanjeev and others

.. Petitioners

Versus

State of Haryana and another

.. Respondents

(215)

CRM-M-16238-2021

Savan and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhimanyu Singh, Advocate, for the petitioners,
(in CRM-M-17024-2021) and for respondents No. 2 to 5,
(in CRM-M-16238-2021).

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Parminder Singh, Advocate, for respondent No.2,
(in CRM-M-17024-2021) and for the petitioners,
(in CRM-M-16238-2021).

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two petitions are being disposed of as
these petitions arise out of the same incident.

Present two petitions, which have been filed for quashing of
FIR No.116 dated 22.02.2021 registered under Sections 148, 149, 307, 323
and 324 of the Indian Penal Code, 1860 at Police Station Karnal City,
District Karnal (Annexure P-1) as well as the cross case being FIR No.0117

dated 22.02.2021 registered under Sections 148, 149, 307, 323, 324 and 341 of the Indian Penal Code, 1860 at Police Station Karnal City, District Karnal and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 23.04.2021 (in CRM-M-17024-2021) had passed the following order:-

“In this petition, the Petitioners, who are the accused persons in F.I.R No.116, dated 22.02.2021, under Sections 148, 149, 307, 323 and 324 of the Indian Penal Code, registered at Police Station Karnal City, District Karnal (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom, on the basis of compromise.

Ld. counsel for the Petitioners refers to the Compromise, Annexure P-2, and states that the matter has been amicably settled between the parties.

Notice of motion.

Mr. Anmol Malik, Dy. Advocate General, Haryana to accept notice on behalf of Respondent No.1/State. A copy of the paper-book be handed over to him.

Mr. Parminder Singh, Advocate has put in appearance through Video Conferencing on behalf of respondent No.2-Complainant and admits the factum of compromise.

In view of the matter, the parties shall appear before the Ld. Trial Court/Illaq Magistrate on 17.05.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also

report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

List on 26.07.2021.”

A report has come from Additional Chief Judicial Magistrate, Karnal, addressed to the Registrar General of this Court dated 01.06.2021 (in CRM-M-17024-2021) 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 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:-

“5. Police report already received. Copy of which is Annexure-XII. On the basis of statements of the parties and police report, report of the undersigned on the required points is as follows:

a) On the basis of the statements of the parties, undersigned is of the view that compromise between the parties is voluntarily and without any pressure.

b) As per police report, there are total 8 numbers of accused out of which names of 5 accused are mentioned in the FIR, which are as follows:

i) Sanjeev son of Ashok, resident of Shiv Colony, Karnal;

ii) Manoj @ Dabbu son of Ashok, resident of Banso Gate, Karnal;

iii) Ajay son of Ashok, resident of Banso Gate, Karnal;

iv) Mohit son of Sanjeev, resident of Shiv Colony, Karnal; &

v) Kartik @ Kalu; son of Jaipal, resident of Indira

Colony, Karnal.

c) As per police report, none of the accused has been declared as proclaimed offender in this case.

Above report submitted please.”

Learned counsel appearing for the respective parties submits that the parties to the dispute have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR as well as cross case alive, hence, the same may kindly be quashed on the basis of said compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR as well as cross case 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-petitioners, this Court is inclined to accept the joint prayer of the parties for quashing the FIR as well as cross case on the basis of the compromise.

Though, in FIR No.117, no challan has been submitted under Section 307 IPC whereas in FIR No.116, imposition of Section 307 IPC has been maintained in the challan but the same is yet to be approved by the competent Court of law as no charges have been framed against the accused under Section 307 of IPC as of now. Keeping in view the facts and circumstances that the parties have already compromised their dispute and allegation of Section 307 IPC has not been approved by the competent Court of law as of now, the discretion, with regard to the quashing of the

FIR in question, is being exercised by this Court as attraction of Section 307 IPC is still at the allegation stage only, without any affirmation by the competent Court of law.

Thus, the FIR No.116 dated 22.02.2021 registered under Sections 148, 149, 307, 323 and 324 of the Indian Penal Code, 1860 at Police Station Karnal City, District Karnal (Annexure P-1) as well as the cross case being FIR No.0117 dated 22.02.2021 registered under Sections 148, 149, 307, 323, 324 and 341 of the Indian Penal Code, 1860 at Police Station Karnal City, District Karnal and all other subsequent proceedings arising therefrom are quashed qua the petitioners in respective petitions, on the basis of compromise entered into between the parties.

The above order, quashing of FIR as well as cross case, will be subject to the payment of Rs.15000/- as cost in each petition by the petitioners, 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.

November 12, 2021*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No