

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(129) CRM-39303-2021 in/and  
CRM-M-16507-2021  
Date of Decision : December 22, 2021

Rohit Bansal

.. Petitioner

Versus

State of Punjab and another

.. Respondents

(Through Video Conferencing)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Sandeep Kumar Bokolia, Advocate, for the petitioner.

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

Mr. Vikas Gupta, Advocate, for respondent No.2.

**HARSIMRAN SINGH SETHI J. (ORAL)**

**CRM-39303-2021**

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-16507-2021, which now stands adjourned to 28.04.2022.

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State and Mr. Vikas Gupta, Advocate, who

has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant and they have no objection for the grant of the prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and hearing the main petition i.e CRM-M-16507-2021 is preponed from 28.04.2022 to today.

**CRM-M-16507-2021**

In the present petition, the prayer of the petitioner is for quashing of FIR No.32 dated 07.02.2020 registered under Sections 380 and 454 of the IPC at Police Station City Kotkapura, District Faridkot 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 28.04.2021 had passed the following order:-

*“Case has been taken up for hearing through Video Conferencing.*

*This is a petition under Section 482 Cr.P.C. seeking quashing of FIR No.32 dated 07.02.2020 under Sections 380 and 454 IPC, registered at Police Station City Kotkapura, District Faridkot and all other consequential proceedings arising therefrom, on the basis of compromise dated 02.03.2021 (Annexure P/2) arrived at between petitioner and respondent No.2.*

*Notice of motion.*

*At the asking of Court, Mr. Mehardeep Singh, Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1-State and seeks time to place on record report, if any. At this juncture, Ms. Aanchal Sharma, Advocate*

*has put in appearance on behalf of respondent No.2. Complete copies of paperbook be supplied to them during course of the day.*

*Learned counsel for respondent No.2 has given concurrence to the factum of compromise Annexure P/2.*

*Let the parties appear before the trial Court/Area Magistrate, as the case may be, on 10.05.2021 or any other date to be fixed by trial Court/ Area Magistrate for getting their statements recorded with regard to the compromise. Court is directed to report on the following points:-*

- (i) how many total accused are facing the trial,*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial,*
- (iii) status/stage of the trial/case,*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise.*
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.*

*Report be sent through District and Sessions Judge, before the next date of hearing.*

*Adjourned to 02.07.2021 .”*

A report has come from Judicial Magistrate Ist Class, Faridkot, addressed to the Registrar General of this Court dated 13.05.2021 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:-

*“In view of the statements of the parties, the requisite*

*information as sought by the Hon'ble High Court, point-wise is furnished as under:*

- (i) There is only one accused involved in the FIR,*
- (ii) None of accused is declared proclaimed offender at any stage of trial,*
- (iii) The FIR is registered in the present matter, wherein accused is yet to be arrested and challan is yet to be presented in the case which is still under investigation,*
- (iv) The compromise so arrived at between the parties is genuine, valid, voluntary, out of free will and without any kind of coercion or undue influence,*
- (v) Statement of Investigating Officer has also been recorded on the points No.s (i) to (iii).*

*8. The report as desired by the Hon'ble Punjab and Haryana High Court is submitted accordingly through Learned District and Sessions Judge, Faridkot.”*

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 respondent No.2-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Faridkot 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.32 dated 07.02.2020 registered under Sections 380 and 454 of the IPC at Police Station City Kotkapura, District Faridkot 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.15000/- 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 22, 2021***harsha***(HARSIMRAN SINGH SETHI)  
JUDGE**

Whether speaking/reasoned? : Yes/No

Whether reportable? : Yes/No