

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19446 of 2021
Date of Decision : 20.09.2021

Jeet Kumar and others

..Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab

Mr. Neeraj Yadav, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.31 dated 02.04.2008 registered under Sections 452, 380, 427, 506, 323, 148 and 149 of the IPC, at Police Station Division No.2 Pathankot District Gurdaspur on the basis of the compromise, which has been entered into between the parties.

A Coordinate Bench of this Court on 01.07.2021 had passed the following order:-

“The case has been taken up for hearing through video conferencing.

The petitioners have filed present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.31 dated 02.04.2008 registered under Sections 452, 380, 427,

506, 323 and 148 read with Section 149 of the Indian Penal Code, 1860 in Police Station Division No.2, District Gurdaspur (now new district Pathankot) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.09.2008.

Notice of motion.

Pursuant to supply of advance copy, Mr. P.S. Walia, Asstt. AG, Punjab has appeared and accepted notice on behalf of respondent No.1-State.

Mr. Neeraj Yadav, Advocate has appeared on behalf of respondent No.2 and filed his power of attorney through email print out of which is taken on record.

Learned Counsel for respondent No.2 admits the factum of compromise and also undertakes to file his original power of attorney in the Registry.

Accordingly, the private parties are directed to appear before the trial Court/Illaqa Magistrate on 09.07.2021 or any other date compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report before 18.08.2021 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 case or not.
5. Current stage of the case.

The trial Court/Illaqa Magistrate is further directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR. The trial Court/Illaqa Magistrate is also directed to send the report in time so as to reach this Court before the date of hearing fixed.

Reply by respondent No.1-State be filed on

the date of hearing fixed, if so desired.”

In pursuance to the above reproduced order, a report dated 20.07.2021 has come from learned Judicial Magistrate 1st Class, Pathankot, addressed to the Registrar General of this Court along with the statements of the accused-petitioners as well as the complainant, which have been recorded, wherein, following have been mentioned”-

“(i) That as per report of Investigating officer, there are six persons arrayed as accused in FIR. It is submitted that accused namely Panki son of Babu Ram and Sonu son of Om Parkash have expired. The four petitioners namely Jeet Kumar, Raman Kumar @ Rinka, Jatinder Kumar @ Amb and Sunny are the persons, who are mentioned in the FIR.

(ii) That, no accused has been declared as proclaimed person/offender.

(iii) That, as per statement of both the parties the compromise is genuine voluntary and without any coercion or undue influence. I have myself asked all the persons particularly complainant Satwant Singh, injured Pushpinder Paul Singh and witness Ajay Kumar, if the present compromise is genuine one, to which all the persons, have stated and re-affirmed the factum in the statements recorded that the matter is finally settled and the compromise is without any pressure. All the persons have requested for quashing the FIR and consequent proceedings.

(iv) That, as per report of Investigation

Officer no accused persons are involved in any other case. Even accused have mentioned in their statement that no other case. Even accused have mentioned in their statement that no other case is pending against them and no P.O. proceedings are intimated against them.

(v) That, the challan is yet to be presented in present case.

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 complainant admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Pathankot 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-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.31 dated 02.04.2008 registered under Sections 452, 380, 427, 506, 323, 148 and 149 of the IPC, at Police Station Division

No.2 Pathankot District Gurdaspur and all other subsequent proceedings arising therefrom are quashed qua the petitioners 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 costs, to be deposited with Prabh Asra, Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh by the petitioners.

September 20, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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