IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230 **CRM-M-23450 of 2021(O&M)**
Date of Decision : 29.10.2021

Harjit Kumar and others **...Petitioners**

Versus

State of Punjab and others **...Respondents**

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mandeep Singh Sachdev, Advocate for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

Mr. Brighu Dutt, Advocate for respondents No.2 to 4.

***

Harsimran Singh Sethi, J. (Oral)

CRM-17000 of 2021

As prayed for, application is allowed.

CRM-M-23450 of 2021

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.99 dated 29.11.2015 registered under Sections 324, 323, 294, 148, 149 and 120-B of the IPC at Police Station Division No.6 Jalandhar on the basis of the compromise, which has been entered into between the parties.

On 05.07.2021, a Coordinate Bench of this Court had passed the following order:-

"Case taken up through video conferencing.

AARTI SHARMA
2021.10.29 16:42
I attest to the accuracy and
integrity of this document

This is a petition under Section 482 Cr.P.C. filed by petitioners Harjit Kumar, Rajinder Singh @ Rinku and Hardeep Kumar, who are accused in FIR No.99 dated 29.11.2015, for offences under Sections 323, 324, 294, 148, 149 and 120-B IPC, registered with Police Station Division No.6, Jalandhar along with all subsequent proceedings arising therefrom, on the basis of compromise dated 16.03.2021 (Annexure P-2), said to have been arrived between them and complainants Pawan Kumar, Mohan Lal @ Mohna and Kamal Kishore, arrayed as respondents No.2 to 4 respectively in the instant petition.

It is stated by learned counsel for the petitioners that there are only three accused in this case. They have since joined the investigation and are on bail. The police had earlier filed a cancellation report in the Court of Area Magistrate in the year 2017 but learned Magistrate had directed carrying out of further investigation, as a result thereof, the challan has been filed but now the matter has been compromised between the parties. He has further stated that the next date of hearing fixed in the trial Court is 06.07.2021.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent-State.Service of respondents No.2 to 4 be got effected, by the next date of hearing, fixed as 20.09.2021.
Written replies, if any, be filed by that date.

In the meanwhile, the parties are directed to appear in the trial Court within one month from today and the trial Court is to record the statements of the affected persons i.e. complainants and accused and then to report whether the parties have entered into compromise voluntarily without any threat or coercion. The trial Court is also to report whether any of the parties has been declared as proclaimed offenders.

Report be submitted to this Court by the date fixed.

The State counsel shall also get the genuineness of the compromise verified and inform the Court in that regard."

A report dated 30.07.2021 has come from Chief Judicial Magistrate (NRI Court), Jalandhar, addressed to the Registrar General of

AARTI SHARMA
2021.10.29 16:42
I attest to the accuracy and
integrity of this document

this Court 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 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.

Learned counsel for the petitioners 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 to 4 admits the compromise as well as the statements made before the Chief Judicial Magistrate (NRI Court), Jalandhar 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.99 dated 29.11.2015 registered under Sections 324, 323, 294, 148, 149 and 120-B of the IPC at Police Station Division No.6 Jalandhar and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into

AARTI SHARMA
2021.10.29 16:42
I attest to the accuracy and
integrity of this document

between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.10,000/- as costs, 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 petitioners.

October 29, 2021 **(HARSIMRAN SINGH SETHI)**
aarti **JUDGE**

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

AARTI SHARMA
2021.10.29 16:42
I attest to the accuracy and
integrity of this document