

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM No.24153 of 2021 and
CRM No.24663 of 2021 in/and
CRM-M-19906 of 2019
Date of Decision: 13.08.2021**

Neetu alias Neety and others

... Petitioners

Versus

State of Punjab and another

... Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Guneet Babbar, Advocate,
for the applicant-petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Rahul Kumar Sharma, Advocate,
for respondent No.2.

HARSIMRAN SINGH SETHI, J. (Oral)

CRM No.24153 of 2021

The present application has been filed for preponing the hearing of the main CRM No.M-19906 of 2019 which now stands adjourned to 11.10.2021.

Notice of the application.

Mr. Sandeep Kumar, DAG, Punjab for respondent No.1-State and Mr. Rahul Kumar Sharma, learned counsel for respondent No.2 accept notice. They have no objection to the grant of the prayer.

The application is allowed and hearing of the main petition is preponed to today and is taken up for hearing.

CRM No.24663 of 2021

The present application is filed for placing on record the amended petition in terms of order dated 30.05.2019.

The application is allowed and the amended petition is taken on

record.

CRM-M-19906 of 2019

In the present petition, the prayer of the petitioners is for quashing of FIR No.0001 dated 07.01.2018 registered under Sections 341, 379, 323, 325, 308, 34 IPC at Police Station Amir Khas, District Ferozpur 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 02.05.2019 had passed the following order:-

“Contends that matter has been compromised between the parties.

Notice of motion.

On the asking of the Court, Mr. C.L.Pawar, Sr. DAG, Punjab accepts notice on behalf of respondent No.1/State.

Mr. Rahul Sharma, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise arrived at between the parties.

Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of the day.

Petitioners will file their respective affidavits before learned trial Court that there is no other criminal case pending against them and also give the details of any other FIR(s), if any, which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 24.05.2019 to record their statements with reference to the compromise, if any, entered into between them.

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

- (i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii) Whether the compromise effected between the parties is genuine and valid?*
- (iii) Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s)?*
- (iv) Whether any other case is pending against either of the parties or not, if yes, the details thereof?*
- (v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender?*
- (vi) whether any of the petitioner(s) is/are previous convict or not?*

List before this Court on 24.07.2019 for further consideration.

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and strict compliance.”

A report has come from Sub Divisional Judicial Magistrate,

Jalalabad addressed to the Registrar General of this Court dated 29.06.2019

wherein, the statements of the accused-petitioners as well as the

complainant 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.

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 the respondent-complainant admits the compromise as well as the statement made before the Judicial Magistrate and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel, on instructions from ASI Mohinder Singh of PS Amir Khas, 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-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, the FIR No.0001 dated 07.01.2018 registered under Sections 341, 379, 323, 34 IPC at Police Station Amir Khas, District Ferozpur 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.5000/- 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.

13.08.2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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