

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-31091 of 2021
Date of Decision : 27.10.2021

Labh Kumar @ Lovely and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nandan Jindal, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Abhinandan Jindal, Advocate for
Mr. Lakhvir Kumar, Advocate for the respondents No.2 & 3.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.100 dated 26.07.2020 registered under Sections 406, 420 and 120-B of the IPC at Police Station City Samana, District Patiala on the basis of the compromise, which has been entered into between the parties.

On 05.08.2021, a Coordinate Bench of this Court 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.100 dated 26.07.2020 registered under Sections 406, 420 and 120- B of the Indian Penal Code, 1860 in Police Station City Samana, District Patiala and all subsequent proceedings arising therefrom

on the basis of compromise.

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. Lakhvir Kumar, Advocate has appeared on behalf of respondent No.2 and undertakes to file his power of attorney in the Registry.

Learned Counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaqa Magistrate on 12.08.2021 or any other date convenient to the Court for recording their statements with regard to compromise/settlement. Trial Court/Illaqa Magistrate is directed to submit a report before 14.09.2021 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.”

A report dated 30.09.2021 has come from Judicial Magistrate

1st Class, Samana, addressed to the Registrar General of this Court along with the statements of the accused-petitioners as well as the complainant,

which is as under:-

“After going through the statement given by complainants accused persons and investigating officer in the Court, the following report as desired by the Hon'ble High Court is submitted:

1. Total three persons namely Labh Kumar @ Lovely son of Khazanchi Lal, Hitesh Goyal son of Labh Kumar Goyal @ Love Kumar and Smt. Sunita Rani wife of Labh Kumar @ Lovely are arrayed as accused in the FIR.
2. No accused is proclaimed offender.
3. Compromise between the parties is valid and genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter. Accused Sunita Rani wife of Labh Kumar @ Lovely has also compromised the matter on the behalf of accused Hitesh Goyal being his attorney.
4. Accused Sunita Rani wife of Labh Kumar @ Lovely is not involved in any other case, whereas accused Labh Kumar @ Lovely son of Khazanchi Lal and accused Hitesh Goyal son of Labh Kumar Goyal @ Love Kumar both are also involved in case FIR NO.84 dated 22.06.2020, under Sections 420, 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, Police Station city, Samana.
5. As per statement of Investigating Officer, the present case is at the stage of investigation and same is not concluded so far, and accused have not been arrested and produced in this case till date.
6. There are only two victims/complainants in this FIR, namely Ranjit Singh son of Amir Singh and Sahib Singh son of Kaka Singh, both residents of village Mial Kalan, Tehsil Samana, District

Patiala”

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 respondents No.2 and 3 admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Samana 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.100 dated 26.07.2020 registered under Sections 406, 420 and 120-B of the IPC at Police Station City Samana, District Patiala 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 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 27, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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