

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CRM-M-32069-2021

Date of Decision : September 29, 2021

Suman Prabha and another

.. Petitioners

Versus

State of Punjab and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tejinderbir Singh, Advocate, for the petitioners.

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

Mr. Jagdeep Singh Virk, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioners is for quashing of FIR No.218 dated 31.12.2020 registered under Sections 406, 420 and 120-B IPC and Section 24 of the Immigration Act at Police Station Shimlapuri, Police Commissionerate, Ludhiana and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, the parties have entered into a written compromise dated 04.08.2021, copy of which has been appended as Annexure P-2 with this petition and according to the said terms and conditions of the compromise, the complainant has no objection, in case, the present FIR is quashed.

This Court while issuing notice of motion on 10.08.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No.218 dated 31.12.2020 (Annexure P-1) registered under Sections 406, 420 & 120-B IPC and Section 24 of The Immigration Act, at Police Station Shimlapuri, Police Commissonerate, Ludhiana, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in order to live peacefully, parties have entered into compromise on 04.08.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Balbir Singh Sewak, Additional Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Mr. Jagdeep Singh Virk, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant. He does not dispute the above-said compromise which has been arrived at between the parties, according to which complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 29.09.2021.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement dated 04.08.2021 (P-2) on 02.09.2021 by moving an appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit thereport on or before the next date of hearing containing the following information: -

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a 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 FIR or not; and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR.*

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.”

A report has come from Judicial Magistrate Ist Class, Ludhiana, addressed to the Registrar General of this Court dated 07.09.2021 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 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 report of the Judicial Magistrate Ist Class, Ludhiana is as under:-

“I have the honour to submit that in pursuance of order dated 10.08.2021 passed in CRM-M-32069-2021, the Hon'ble Punjab & Haryana High Court has directed to this court to record the statements of the parties to verify the genuineness of the compromise between them, and sent the report on or before 29.09.2021.

Accordingly, the statements of accused/petitioners namely Suman Prabha aged about 55 years daughter of Shital Parkash, Dharminder Mehra aged about 53 years son of

Shital Parkash, both R/O House No. B-IV-270, Lallu Mal Street, Chaura Bazar, Ludhiana and complainant/ respondent Inderpal Singh aged about 49 years son of Babu Singh R/O 1715/7/2, Street No. 12, Shimlapuri, Ludhiana, have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel. So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

1. It is respectfully submitted that as per the statement of the Investigating Officer and report of the concerned Ahlmad, Suman Prabha and Dharminder Mehra are the only accused in the present FIR and they have not been declared as Proclaimed Offender.

2. The accused are not involved in any other FIR.

3. As per statement of Investigating Officer, there is only one victim/complainant i.e. respondent Inderpal Singh.

The statement of the complainant alongwith the statements of accused are being sent with this report for your's Honours kind perusal."

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 the respondent No.2-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Ludhiana 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-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.218 dated 31.12.2020 registered under Sections 406, 420 and 120-B IPC and Section 24 of the Immigration Act at Police Station Shimlapuri, Police Commissionerate, Ludhiana 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.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 Industrial Bank, Sector-54, Phase-II, Mohali Branch, by the petitioners.

September 29, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No