

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

CRM-M-32698-2021

Date of decision: - 26.10.2021

Bikramjit Singh Virk

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ramesh Sharma, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Nitin Sharma, Advocate, for respondents No.2 and 3.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.25 dated 23.09.2020 (Annexure P-1), registered under Sections 406, 420 and 120-B IPC, at Police Station NRI SAS Nagar, Mohali as well as all the subsequent proceedings arising out of the same, keeping in view the compromise dated 23.04.2021 (Annexure P-2), which has been entered into between the parties.

While issuing notice of motion on 13.08.2021, this Court had passed the following order :-

“Present petition has been filed for quashing of FIR No.25 dated 23.09.2020 (Annexure P-1) registered under Sections 406/420/120-B IPC, 1860 at Police Station NRI SAS Nagar Mohali, on the basis of compromise entered into between the parties.

Learned counsel for the petitioner argues that the parties have already settled their dispute amicably by written compromise deed dated 23.04.2021. According to him, the complainant had undertaken not to press the allegations alleged in the FIR any further.

Notice of motion.

Mr. Sandeep Kumar, DAG, 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. Nitin Sharma, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondents No.2 & 3. He does not dispute the above-said compromise dated 23.04.2021 and submits before this Court that respondents No.2 & 3 have no objection in case, the FIR in question is quashed on the basis of compromise.

Adjourned to 26.10.2021.

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 23.04.2021 (P-2) on 20.09.2021 by moving an appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report 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 the Judicial Magistrate 1st Class, SAS Nagar, Mohali, addressed to the Registrar General of this Court dated 28.09.2021, along with the statements of the petitioner as well as the accused persons i.e. respondents No.2 and 3, which have been recorded. The relevant part of said report is as under: -

- “1. As per record and statement of IO, there are two accused persons in the present case namely Amandeep Singh and Harvinder Kaur.
2. None of the accused has been declared as Proclaimed Offender.
3. In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily and same is genuine, without any coercion or undue influence.
4. As per the statement of the IO, no other FIR is pending against the present accused persons.
5. Statement of Investigating Officer was recorded on 21.09.2021, as per which Bikramjit Singh Virk is the only complainant/victim in the present case.”

Learned counsels appearing on behalf of the respective parties concedes that in order to live peacefully, they have compromised their disputes and as per the terms and conditions of the compromise, the complainant does not wish to pursue the allegations alleged in the FIR and has no objection in case the FIR is quashed on the basis of the said 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 persons, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.25 dated 23.09.2020 (Annexure P-1), registered under Sections 406, 420 and 120-B IPC, at Police Station NRI SAS Nagar, Mohali and all other subsequent proceedings arising therefrom are quashed qua accused persons i.e. respondents No.2 and 3 on the basis of compromise entered into between the parties.

The above order will be subject to the cost of Rs.15,000/- to be paid by accused-respondents No.2 and 3 in 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 IndusInd Bank, Sector-54, Phase-II, Mohali Branch, as the litigation has wasted precious time of not only this Court but also of the Court below.

(HARSIMRAN SINGH SETHI)
JUDGE

October 26, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No