

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRM No. M-34545 of 2021
Date of Decision : 18.11.2021

Fajru @ Fazroo

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Munish Puri, Advocate for the petitioner.

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

Mr. Rajinder Kumar, Advocate for
Ms. Deepti Rampal, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for quashing of FIR No. 201 dated 28.11.2020 registered under Sections 420 IPC and 66 D of the Information Technology Act, 2000 at Police Station Shahpurkandi, Tehsil and District, Pathankot and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

This Court while issuing notice of motion on 25.08.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No.

201 dated 28.11.2020 registered under Sections 420 IPC and 66 D of the Information Technology Act, 2000 at Police Station Shahpurkandi, Tehsil and District, Pathankot on the basis of compromise entered into between the parties.

Learned counsel for the petitioner argues that in order to live peacefully, parties have entered into compromise on 12.4.2021, according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Ramandeep Sandhu, learned Sr. Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1.

Ms. Deepti Rampal, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2. She admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 18.11.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 29.09.2021 by moving 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 valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR is to be quashed.”

In pursuance to the above mentioned order, a report has come from Chief Judicial Magistrate, Pathankot addressed to the Registrar General of this Court dated 30.09.2021 along with the statements of the accused-petitioner(s) as well as the complainant(s). The relevant part of the said report is as under :-

“Report of this Court as follows :-

- 1. As per record, one person namely Fajru @ Fazroo arrayed as accused in the FIR.*
- 2. As per record, none of the accused has been declared as Proclaimed Offender.*
- 3. Compromise is genuine, voluntarily and without any coercion or undue influence;*
- 4. As per statement, accused is not involved in any other FIR.*
- 5. As per statement of the Investigating Officer, there is only one victim/complainant namely Jagdev Singh in the FIR.”*

As per the said report, the compromise between the parties is bonafide 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 the accused-petitioner in the present case.

Learned counsel for the petitioner submits that in order to live

peacefully, the parties have compromised their dispute and, therefore, the present petition may kindly be allowed and the FIR in question may be quashed on the basis of the compromise, a copy of which has been appended with this petition as Annexure P-2.

Learned counsel for the respondent No. 2/complainant admits the compromise as well as the statement made before the Chief Judicial Magistrate, Pathankot 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-petitioner, 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. 201 dated 28.11.2020 registered under Sections 420 IPC and 66 D of the Information Technology Act, 2000 at Police Station Shahpurkandi, Tehsil and District, Pathankot and all other subsequent proceedings arising therefrom are quashed qua the petitioner 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.10,000/- as cost, to be deposited by the petitioner with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society,

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(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.

November 18, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No