

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(229)

CRM-M-33393-2021

Date of Decision : October 28, 2021

Sahil

.. Petitioner

Versus

State of Haryana and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kanwaljeet Singh Brar, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Iqbal Singh Mann, 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.0168 dated 23.12.2017 registered under Sections 323, 427, 506 IPC at Police Station Ding, District Sirsa 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 18.08.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 0168 dated 23.12.2017 under Sections 323, 427, 506 IPC registered at Police Station Ding, District Sirsa (Annexure P-1) on the basis of compromise entered into between the parties.

Learned counsel for the petitioner argues that the parties in order to live peacefully have compromised their

dispute and the said compromise dated 05.08.2021 (Annexure P-2) has been recorded in writing, which has been entered into between parties without any coercion.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, accepts notice on behalf of respondent No.1.

Mr. Iqbal Singh Mann, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2. He admits the factum of the compromise entered into between the parties and the said settlement is without any coercion or pressure from the accused.

Adjourned to 28.10.2020.

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 30.09.2021 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 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, Sirsa, addressed to the Registrar General of this Court dated 04.10.2021 along with the statements of the accused-petitioner 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.

Learned counsel for the petitioner 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 respondent No.2-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Sirsa 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 petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No.0168 dated 23.12.2017 registered under Sections 323, 427, 506 IPC at Police Station Ding, District Sirsa 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.15000/- 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 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, by the petitioner.

October 28, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No