

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CRM No. M-34052 of 2021
Date of Decision : 18.11.2021

Gurdeep Singh @ Deepa

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Batra, Advocate for the petitioner.

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

Mr. Yuv Raj Saini, Advocate for respondent Nos. 2 and 3.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for quashing of FIR No. 69 dated 10.06.2018 (Annexure P-1) registered under Sections 323, 341, 148 and 149 IPC, at Police Station Nurpurbedi, District Rupnagar 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 20.08.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 69 dated 10.06.2018 (Annexure P-1) registered under Sections 323, 341, 148 and 149 IPC, at Police Station Nurpurbedi,

District Rupnagar, 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 09.08.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Sandeep Kumar, Deputy 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. Yuv Raj Saini, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondents No.2 and 3. 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 18.11.2021.

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 09.08.2021 (P-2) on 29.09.2021 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.”

In pursuance to the above mentioned order, a report has come from Judicial Magistrate Ist Class, Sri Anandpur Sahib addressed to the Registrar General of this Court dated 12.10.2021 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 :-

“6. So, from the statements of the parties and the report of Ahlmad, the report is submitted as follows :-

- 1. There are four accused persons namely Jaswant Singh, Satnam Singh, Kesar Singh and Gurdeep Singh arrayed as accused in FIR and FIR is also lodged against two unknown persons;*
- 2. None of the accused is proclaimed offender;*
- 3. The compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Accused Gurdeep Singh @ Deepa (i.e. petitioner before Hon'ble Punjab and Haryana High Court) is not involved in any other case; and*
- 5. As per statement of the Investigating Officer, present FIR was registered at the instance of complainant Sukhdeep Singh and except complainant Sukhdeep Singh, there is also another injured/affected person/eye witness namely Ravinder Singh (i.e. respondents No. 2 and 3 before Hon'ble Punjab and Haryana High Court). Report is submitted please.”*

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 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 Nos. 2 and 3 admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Sri Anandpur Sahib 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. 69 dated 10.06.2018 (Annexure P-1) registered under Sections 323, 341, 148 and 149 IPC, at Police Station

Nurpurbedi, District Rupnagar 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 cost, to be deposited by the petitioner 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.

November 18, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No