

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-33874-2021

Date of Decision : 07.12.2021

Jaswant Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Avtar Singh Bhatti, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Vinod Pundir, Advocate for

Mr. Ritesh Pandey, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.0003 dated 03.01.2021 registered under Sections 406 & 420 of the IPC at Police Station Mukerian, District Hoshiarpur and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 16.09.2021, a Coordinate Bench of this Court had passed the following order:-

“The case has been taken up for hearing through video conferencing.

Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 07.12.2021.

At this stage, Mr. Ritesh Pandey, Advocate

appears on behalf of respondents No.2.

In the meanwhile, parties would appear before the Illaqa Magistrate on 29.09.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

A report dated 04.10.2021 has come from Sub Divisional Judicial Magistrate Mukerian, addressed to the Deputy Registrar (Criminal) of this Court 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 genuine, voluntary and without any coercion or undue influence and accused has not been declared as proclaimed offender. The relevant portion of the report is as under:-

“In compliance to the aforesaid order, it is respectfully submitted that the point-wise report of undersigned is as follows:-

1. It is submitted that the present FIR was registered against one accused namely Jaswant Singh, son of Kulwant Singh r/o Salahpur Bet, Village Chak Sarif, District Gurdaspur who has appeared before this Court to record his statement.
2. It is submitted that as per the statement of Investigating Officer, the accused has not been declared proclaimed offender/person.
3. In view of the statement recorded by both the parties, this Court is satisfied tat the compromise effected between them is genuine, which is not the result of any undue pressure or coercion.
4. The perusal of papers reveals that there is only one complainant i.e. complainant/respondent No.2 Sukhwinder Singh son of Mohan Singh, in the present case.”

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 admits the compromise as well as the statements made before the Sub Divisional Judicial Magistrate,

Mukerian 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 hereinbefore and that the parties have already entered into compromise to settle their dispute so as to live peacefully and accused is not a proclaimed offender, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.0003 dated 03.01.2021 registered under Sections 406 & 420 of the IPC at Police Station Mukerian, District Hoshiarpur 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.15,000/- 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 Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioner.

December 07, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No