

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(223)

CRM No. M-33378 of 2021
Date of Decision : 10.11.2021

Sarabjit Singh @ Gullu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shivam Malhotra, Advocate for the petitioners.

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

Mr. Arshit Goel, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioners is for quashing of FIR No. 0002 dated 01.01.2021 under Sections 323, 324, 427, 506, 34 IPC (Section 326 IPC added later on) registered at Police Station Rama Mandi, District Jalandhar 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.

0002 dated 01.01.2021 under Sections 323, 324, 427, 506, 34 IPC (Section 326 IPC added later on) registered at Police Station Rama Mandi, District Jalandhar (Annexure P-1) on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that the parties in order to live peacefully have compromised their dispute and the said compromise dated 10.04.2021 (Annexur P-2) has been recorded in writing, which has been entered into between parties without any coercion.

Notice of motion.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No.1.

Mr. Arshit Goel, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2. He does not dispute the execution of the compromise and also the fact that the same has been entered into between the parties without any coercion or pressure from the accused.

Adjourned to 27.10.2020.

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 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 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, Jalandhar addressed to the Registrar General of this Court dated 13.10.2021 along with the statements of the accused-petitioners as well as the complainants. The relevant part of the said report is as under :-

“1. As per the statement of the investigating officer, there are four accused arrayed in the present FIR namely Sarabjit Singh @ Gullu S/o Amar Singh, R/o 305 Santoshi Nagar, Jalandhar and Simranjeet Singh S/o Amar Singh, Amar Singh S/o Chiman Singh and Kuldeep Singh S/o Amar Singh all residents of H. No. 1126, Kazi Mandi, Jalandhar.

2. As per the statement of the investigating officer, none of the accused is a proclaimed offender.

3. This Court, after hearing the parties in person and after going through the statements recorded in the Court, is of the opinion that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the parties are not the result of any pressure and coercion.

4. As per the statement of the investigating officer, no FIR is pending against the accused persons named in the FIR except the present FIR”

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 petitioners 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 Judicial Magistrate Ist Class, Jalandhar 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. 0002 dated 01.01.2021 under Sections 323, 324, 427, 506, 34 IPC (Section 326 IPC added lateron) registered at Police Station Rama Mandi, District Jalandhar and all other subsequent

proceedings arising therefrom are quashed qua the petitioners 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 by the petitioners 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 10, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No