

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

216

CRM-M-33766-2021

Date of Decision : 03.12.2021

Surinder Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Arora, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Jagjit Singh, Advocate for respondents No.2 to 4.

Harsimran Singh Sethi, J. (Oral

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.108 dated 09.07.2020 registered under Sections 452, 323, 341, 427, 506 and 34 of the IPC at Police Station Cantonment, District Amritsar on the basis of the compromise, which has been entered into between the parties.

On 20.08.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 108 dated 09.07.2020, registered under Sections 452, 323, 341, 427, 506 and 34 IPC at Police Station Cantonment, District Amritsar, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in order to live peacefully, parties have entered into compromise on 10.08.2021, according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

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

Mr. Jagjeet Singh, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondents No.2 to 4. He 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 17.11.2021.

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 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 and all the victims/complainants as well as accused are party to the compromise in question.

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 dated 17.11.2021 has come from Judicial Magistrate First Class, Amritsar, addressed to the Registrar General of this Court along with the statements of the accused-petitioners 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 none of the accused has been declared as proclaimed offender

and no other criminal proceedings are pending against them. Relevant portion of the report is as under:-

“I have gone through the statements given by the parties and posed various questions to know whether any compromise has been effected between the parties. I am satisfied that the compromise has been effected between the parties without any pressure or coercion from anyone. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony.”

Learned counsel for the petitioners submit 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 respondents No.2 to 4 admits the compromise as well as the statements made before the Judicial Magistrate First Class, Amritsar 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 none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.108 dated 09.07.2020 registered under Sections 452, 323, 341, 427, 506 and 34 of the IPC at Police Station Cantonment, District Amritsar 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.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 petitioners.

December 03, 2021

aarti

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No