

CRM-M-33815-2021 and other connected case

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

**(224) CRM-M- 33815-2021
Date of Decision : 09.12.2021**

Sukhjinder Singh @ Gora .. Petitioner

Versus

State of Punjab and others .. Respondents

(224-A) CRM-M-34428-2021

Parwinder Kaur and another .. Petitioners

Versus

State of Punjab and another .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Arora, Advocate, for the petitioner,
(in CRM-M-33815 of 2021) and for respondent No. 2
(in CRM-M-34428 of 2021).

Mr. G.S. Rawat, Advocate for the petitioner,
(in CRM-M-34428-2021) and for respondent Nos. 2 and 3
(in CRM-M-33815-2021).

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

Harsimran Singh Sethi J. (Oral)

By this common order, two petitions are being disposed of as these petitions arise out of the same incident for which the FIR in question as well as the cross case were registered.

Present two petitions, which have been filed for quashing of FIR No. 183, dated 30.06.2020, registered under Sections 323, 324, 506, 201 IPC at Police Station Basti Bawa Khel, District Jalandhar as well as

cross case being DDR No. 31 dated 01.07.2020, registered under Sections 323, 324, 506, 201 IPC at Police Station Basti Bawa Khel, 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 19.08.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 183, dated 30.06.2020, registered under Sections 323, 324, 506, 201 IPC at Police Station Basti Bawa Khel, District Jalandhar, 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 26.07.2021, 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. G.S. Rawat, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2 and and 3. 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 10.11.2021.

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 27.09.2021 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 valuable time of police as well as the Court will be assessed at the time of final hearing of 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 Assistant Registrar (General) of this Court dated 17.11.2021 along with the statements of the accused-petitioners as well as the complainants 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. The said report is as under:-

“As per report of Ahlmad, no accused has been declared proclaimed person. From the statements of parties, the undersigned is of the opinion that compromise has been reached between the parties voluntarily and without any pressure.”

Learned counsel appearing for the respective parties submit that

the parties in the present case and the cross-case have already compromised the matter and therefore, on the basis of the said compromise, the FIR as well as cross case being DDR No. 31 dated 01.07.2020 in question, the details of which have been given hereinbefore, may kindly be quashed.

Learned counsel for respondents No. 2 and 3/complainants 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 as well as cross version case in question are 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 as well as cross version case 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-petitioners, this Court is inclined to accept the joint prayer of the parties for quashing the FIR No. 183 dated 30.06.2020 as well as cross DDR No. 31 dated 01.07.2020 on the basis of the compromise.

Thus, the FIR No. 183, dated 30.06.2020, registered under Sections 323, 324, 506, 201 IPC at Police Station Basti Bawa Khel, District Jalandhar as well as cross case being DDR No. 31 dated 01.07.2020, registered under Sections 323, 324, 506, 201 IPC at Police Station Basti Bawa Khel, District Jalandhar and all other subsequent proceedings arising therefrom are quashed on the basis of compromise entered into between the parties.

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The above order, quashing of FIR as well as cross DDR No. 31 dated 01.07.2020, will be subject to the payment of Rs.15,000/- as cost in each petition by the petitioners, 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.

December 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No