

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

229

CRM-M-34622-2021

Date of decision:14.10.2021

Baljot Singh Grewal @ Happy

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Gaganjot Kaur, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Surender Saini, Advocate for

Mr. M.S. Sidhu, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.54 dated 23.03.2015 under Sections 384, 323, 342, 506, 148, 149 IPC, 1860, registered at Police Station Division No.4, Ludhiana, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 27.07.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that FIR is a result of business dispute between the parties, which has been settled by virtue of compromise, Annexure P-3. She submits that in pursuance to the order passed by this Court, the parties have appeared before the trial court and their statements have been recorded in support of the compromise.

Heard.

On 26.08.2021, a Co-ordinate Bench of this Court passed the following order:-

“Present petition has been filed for quashing of FIR No.54 dated 23.03.2015 under Sections 384,323,342,506,148,149 IPC registered at Police Station Division No.4, Ludhiana 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 27.07.2021 according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. V. G. Jauhar, Senior DAG, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No.1.

Mr. Manvinder Singh Sidhu, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant. He does not dispute the compromise which has been arrived at between the parties.

Adjourned to 14.10.2021.

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 07.09.2021 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 compliance of the above reproduced order, the statements of the parties and the Investigating Officer have been recorded and a report has been submitted, the relevant extract of which is as under:-

“It is respectfully submitted that in compliance to the directions given by the Hon'ble Punjab & Haryana High Court vide its order dated 26.08.2021 passed in CRM-M No.34622 of 2021, statements of Mukesh Kumar Kohli (complainant) and Baljot Singh @ Happy (accused) were recorded separately with regard to compromise. The complainant Mukesh Kumar Kohli has stated that he had got registered FIR No.54 dated 23.03.2015 against six persons namely Daljit Singh, Niranjana Singh, Nitin Kumar, Jatin Kumar, Baljot Singh @ Happy, Gurpreet Singh. He has compromised the matter with Baljot Singh @ Happy only and the copy of the compromise (sic has) is Ex.PX by which he has settled all the accounts and matters with Baljot Singh @ Happy only and he has no objection if FIR against Baljot Singh @ Happy is quashed by the Hon'ble High Court. He has filed the protest petition against all the accused persons except Baljot Singh @ Happy which is also pending before the court. Copy of Aadhar Card is Ex.PX/1. He has compromised the matter with Baljot Singh @ Happy without any pressure and coercion and with his free will.

Accused Baljot Singh @ Happy has stated that he has entered into compromise with the complainant Mukesh Kumar Kohli. He has no objection if present FIR may be quashed by Hon'ble High Court. Copy of Aadhar Card is Ex.PX/2. He has given this statement with our his free will and consent, without any pressure, coercion or any undue influence from anyone.

Statement of ASI Sukhwinder Singh, No.576/Ldh., Crime Branch Ludhiana, has also been recorded. He has submitted that he is the Investigating Officer of this case. He has further stated that FIR was registered against six accused namely Daljit Singh Toor, Narinder Singh Toor, Jatin Sood, Nitin Sood, Baljit Singh, Gurpreet Singh. None has been declared as proclaimed offender in this case. Aforesaid accused persons are not involved in any other case. There is only one complainant namely Mukesh Kumar Kohli in the present case and except him, there is no other victim in the present case.

After going through the statements given

by the parties, I am of the view that compromise between the parties is genuine, voluntary and without any coercion or undue influence.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. A Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another***, 2013(4) RCR (Criminal) 102 has held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

Counsel for the parties are also ad idem that in view of the settlement of the dispute between the parties, the present petition deserves to be accepted. In view of the above, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.54 dated 23.03.2015 under Sections 384, 323, 342, 506, 148, 149 IPC, 1860, registered at Police Station Division No.4, Ludhiana, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

No costs.

14.10.2021

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**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No