

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(227)

CRM No. M-35734 of 2021
Date of Decision : 24.11.2021

Dharminder Kumar @ Bobby Sharma and another

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naresh Kumar, Advocate for the petitioners.

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

Mr. Mandeep K. Dhot, Advocate
for respondents No. 2 to 6.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioners is for quashing of FIR No. 15, dated 25.02.2020, registered under Section 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Sadar Hoshiarpur, District Hoshiarpur 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 02.09.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No.

15, dated 25.02.2020, registered under Section 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Sadar Hoshiarpur, District Hoshiarpur, 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 20.01.2020, 02.12.2020 and 19.07.2021, which have been appended as Annexure P-3 with this petition, according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Dhruv Dayal, learned Senior Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1-State.

Mr. Mandeep K. Dhot, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondents No. 2 to 6. 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 24.11.2021.

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 11.10.2021 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 Additional Chief Judicial Magistrate, Hoshiarpur addressed to the Registrar General of this Court dated 22.10.2021 along with the statements of the accused-petitioners as well as the complainants. The relevant part of the said report is as under :-

“10. It is humbly submitted that as per the statement of investigating officer and the statements made by all the six complainants namely Baljinder Kumar, Gurmail Chand son of Rikhi Ram, Gurmail Chand son of Mehnga Ram, Kamal Kumar, Harpreet Singh, Raj Kumar as well as accused persons namely Dharminder Kumar @ Bobby Sharma and Ravinderjit Kaur, it is submitted that

- i) as informed by Investigating Officer there are only two persons arrayed as accused in the present FIR.*
- ii) as informed by Investigating Officer no any accused is a Proclaimed Offender in the present FIR.*
- iii) a volunteer and genuine compromise has been arrived at between the parties.*

iv) *as informed by the Investigating Officer one another FIR No. 14 dated 25.2.2020 under Section 420 IPC and Section 13 of Punjab Travels Professionals Regulation Act, 1914 is registered against the accused persons.*

v) *as informed by the Investigating Officer there are total six complainants/victims in the present FIR.*

11. *From the statements of all the complainants, I am satisfied that a volunteer and genuine compromise has been arrived at between the parties in the present FIR. The report is submitted please, along with statements of parties for further proceedings”*

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-3.

Learned counsel for the respondent Nos. 2 to 6/complainant admits the compromise as well as the statement made before the Additional Chief Judicial Magistrate, Hoshiarpur 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, 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. 15, dated 25.02.2020, registered under Section 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Sadar Hoshiarpur, District Hoshiarpur 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 24, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No