

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-35825 of 2021
Date of Decision : 10.11.2021

Jaswinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through Video Conference)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lakhwinder Singh Mann, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Ms. Chhavi Sharma, Advocate for respondents No.2 and 3.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.8 dated 09.02.2019 registered under Sections 341, 323, 324, 506, 148 and 149 of the IPC at Police Station Wadali Ala Singh, District Fatehgarh Sahib on the basis of the compromise, which has been entered into between the parties.

On 01.09.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No.8, dated 9.2.2019, registered under Sections 341, 323, 324, 506, 148, 149 IPC 1860 at Police Station Wadali Ala Singh, District Fatehgarh Sahib, 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 24.08.2021,

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

Ms. Chhavi Sharma, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondents No.2 & 3. She 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/Illaqa 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/Illaqa 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.”

A report dated 01.11.2021 has come from Judicial Magistrate, 1st Class, Fatehgarh Sahib, addressed to the Registrar General of this Court along with the statements of the accused-petitioners as well as the complainant, which is as under:-

“(1) As per record and statement of Investigating Officer, there are eight accused in the present FIR No.08 dated 09.02.2019, under Sections 341, 323,324, 506, 148 and 149 of Indian Penal Code, P.S. Badali Alla Singh, District Fatehgarh Sahib.

(2) As per record and statement of the Investigating Officer, no accused has been declared as Proclaimed Offender.

(3) The compromise effected between the parties is genuine voluntarily and without any pressure or undue influence.

(4) As per record and statement of Investigating Officer no other FIR has registered against the accused except the present FIR.

(5) As per statement of Investigating Officer recorded in the court, there are two victim/complainant i.e. on complainant namely Dharminder Singh and one victim/eye witness namely Manjit Singh, in the present FIR.

Learned counsel for the petitioners submits 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 and 3 admits the compromise as well as the statements made before the Judicial Magistrate, 1st Class, Fatehgarh Sahib 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.8 dated 09.02.2019 registered under Sections 341, 323, 324, 506, 148 and 149 of the IPC at Police Station Wadali Ala Singh, District Fatehgarh Sahib 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.

November 10, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No