

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(230)

CRM-M-36640-2021

Date of Decision : November 24, 2021

Abhishek @ Abhi @ Abhishek Bedi and another ..Petitioners

Versus

State of Punjab and another ..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

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

Mr. Kuljeet Singh Bal, Advocate, for
Ms. Chhavi Sharma, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioners is for quashing of FIR No. 35, dated 22.03.2021, registered under Sections 323, 341 and 506 of the Indian Penal Code, 1860 and Section 3 of the SC and ST (Prevention of Atrocities Act), 1989 at Police Station Amloh, District Fatehgarh Sahib 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 07.09.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 35, dated 22.03.2021, registered under Sections 323, 341 and 506 of the Indian Penal Code, 1860 and Section 3 of the SC

and ST (Prevention of Atrocities Act), 1989 at Police Station Amloh, District Fatehgarh Sahib, on the basis of compromise entered into between the parties.

Learned counsel for the petitioner 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 Singh Deol, 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 respondent No.2. 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 12.10.2021 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.”

A report has come from the Judicial Magistrate Ist Class, Amloh, addressed to the Registrar General of this Court dated 08.11.2021 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 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 relevant part of the said report is as under:-

“ It is further humbly submitted that:-

(i) Only Abhishek @ Abhi @ Abhishek Bedi and Gaurav Bedi have been arrayed as accused in the present FIR;

(ii) None of the accused has been declared as a Proclaimed Offender in the present case;

(iii) From the statements of the parties, it seems that the compromise between the parties is genuine, voluntarily and without any coercion and undue influence and the same has been arrived at between the parties out of their free will;

(iv) The accused are not involved any other FIR as per the statement of IO;

(v) As per the statement of IO complainant Lal Chand is the only complainant and victim in the present case;

7. The complainant Lal Chand, accused persons namely Abhishek @ Abhi @ Abhishek Bedi and Gaurav Bedi have no objection if the above said FIR and the consequential proceedings are quashed against the accused Abhishek @ Abhi @ Abhishek Bedi and Gaurav Bedi in view of the compromise

entered into between the parties.

8. This is for your kind information, please.

9. Thanking you .”

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 respondent No. 2-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Amloh 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 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, the FIR No. 35, dated 22.03.2021, registered under Sections 323, 341 and 506 of the Indian Penal Code, 1860 and Section 3 of the SC and ST (Prevention of Atrocities Act), 1989 at Police Station Amloh, 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 FIR, will be subject to the

payment of Rs.15000/- 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 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, by the petitioners.

November 24, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No