

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

CRM-M-36596-2021

Date of Decision : December 16, 2021

Narinder Bhatia and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Ghumman, Advocate,, for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Sukhdeep Singh, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

Status report by way of an affidavit of Mr. Ravinder Pal Singh Sandhu, PPS, Superintendent of Police (City), District SAS Nagar Mohali on behalf of respondent-State has been filed in the Court today and the same is taken on record.

In the present petition, the prayer of the petitioners is for quashing of FIR No.62 dated 27.03.2018 (Annexure P-1) registered under Sections 420, 467, 468, 471, 406, 408 and 120-B IPC, at Police Station Sohana District SAS Nagar 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 06.09.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR

No.62 dated 27.03.2018 (Annexure P-1) registered under Sections 420, 467, 468, 471, 406, 408 and 120-B IPC, at Police Station Sohana District SAS Nagar, 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 04.08.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Mr. Sukhdeep Singh, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2. He does not dispute the above-said compromise which has been arrived at between the parties, according to which complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 30.11.2021.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise dated 04.08.2021 (P-2) on 13.10.2021 by moving an 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.”

A report has come from Additional Chief Judicial Magistrate, SAS Nagar Mohali, addressed to the Registrar General of this Court dated 14.12.2021 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:-

“ As such point-wise reply to the queries in CRM-M-36596-2021 is as under:-

1. Since the IO has not turned up, therefore, it cannot be specifically mentioned as to how many accused arrayed in this FIR.

2. As per the statement of accused Parbodh Bhatia, Shashi Bhatia & Narinder Bhatia, they have never been declared proclaimed offender by any Court in any case.

3. As per the statement of accused Parbodh Bhatia, Shashi Bhatia & Narinder Bhatia, the compromise is genuine, voluntary and without any coercion or undue influence. I have also personally talk to the said person and I am fully satisfied that the said compromise, which has been made between the parties is genuine one and both the parties have entered into

an agreement/compromise with their free consent, free will and also without any threat, pressure, coercion and undue influence etc.

4. Although the accused in their joint statement have stated that one another FIR No.184/2016 U/ss 406/420/120-B IPC was registered against Parbodh Bhatia and Narinder Bhatia at P.S. Derabassi, trial of which is pending before Ld. SDJM, Derabassi but more specifically could explain IO, who has not come present.

5. Similarly, in the absence of IO as stated above, it cannot be reported as to know how many victims/complainants are there in the FIR. Report is submitted accordingly for kind perusal.

In continuation of above letter, it is further submitted that in compliance of order dated 30.11.2021 passed by Hon'ble Punjab and Haryana High Court, Chandigarh, complainant Avtar Singh as well as petitioner No.2 Shashi Bhatia (Special Power of Attorney holder of petitioner No.4 Parmod Bhatia) appeared in the court of undersigned and their separate statements have been recorded which are being forwarded to your goodself. It is further submitted that as per the statements recorded today, the compromise is genuine, voluntary and without any coercion or undue influence.”

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 the complainant admits the compromise as well as the statement made before the Additional Chief Judicial Magistrate, SAS Nagar Mohali 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.62 dated 27.03.2018 (Annexure P-1) registered under Sections 420, 467, 468, 471, 406, 408 and 120-B IPC, at Police Station Sohana District SAS Nagar 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 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.

December 16, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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