

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217 (1)+123

CRM-41416-2021 in/&
CRM-M-38036-2021

Gurpreet Singh @ Laddi and others

...Petitioners

Versus

State of Punjab and another

...Respondents

217(2)

CRM-M-37682-2021

Mehardin and another

...Petitioners

Versus

State of Punjab and another

...Respondents

Date of Decision : 03.12.2021

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Prabha Sharma, Advocate for the petitioners
in CRM-M-37682-2021 and for respondent No.2
in CRM-M-38036-2021

Mr. Sukhbir Maandi, Advocate for the petitioners
in CRM-M-38036-2021 and for respondent No.2
in CRM-M-37682-2021.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

CRM-41416-2021

The present application has been filed for correcting the prayer

clause of the petition, wherein inadvertently Section 325 of the IPC, which

was added later, on could not be mentioned while describing the Sections invoked in FIR No.80 dated 17.06.2020 registered under Sections 323, 341, 458, 506, 148 and 149 of the IPC at Police Station Kiratpur Sahib.

Keeping in view facts stated in the application, which are duly supported by an affidavit, application is allowed. Section 325 of the IPC is added in the prayer clause of the petition and amended prayer clause is taken on record.

CRM-M-38036-2021 & CRM-M-37682-2021

By this common order, two petitions are being disposed of as these petitions arise out of the same incident, for which the FIR in question as well as the cross case were registered.

Present petition has been filed for quashing of FIR No.80 dated 17.06.2020 (Annexure P-1) in CRM-M-38036-2021 registered under Sections 323, 341, 458, 506, 148 and 149 of the IPC at Police Station Kiratpur Sahib as well as G.D. No.40 dated 18.06.2020 registered under Sections 323, 341, 506 and 34 of the IPC at Police Station Kiratpur Sahib in FIR No.80 dated 17.06.2020 (Annexure P-2) in CRM-M-37682-2021 registered under Sections 323, 341, 458, 506, 148 and 149 of the IPC at Police Station Kiratpur 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 15.09.2021 had passed the following order:-

“Present petition has been filed for FIR No.80 dated 17.06.2020 (Annexure P-1) registered under Sections 323, 341, 458, 506, 148 and 149 of the IPC at Police Station Kiratpur 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 31.08.2021 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the G.D. as well as FIR in question.

Notice of motion.

Mr. Sandeep Singh Deol, DAG, 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.

Ms. Prabha Sharma, Advocate who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant. She 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/settlement dated 31.08.2021 (P-3) on 11.10.2021. 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 and all the victims/complainants are party to the compromise in question.

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 dated 22.10.2021 has come from Judicial Magistrate

First Class, Sri Anandpur Sahib, addressed to the Registrar General of this

Court along with the statements of the accused-petitioners as well as the complainant which have been recorded. The relevant portion of the report is as under:-

“So from the statements of the parties and of Investigating Officer recorded in the Court on 11.10.2021 as noted above, the report as sought by Hon'ble Punjab and Haryana High Court is submitted as under:-

“1. FIR was registered against accused namely Gurpreet Singh @ Laddi, Anwar Khan and Dilbagh Mohammad @ Rimpay (i.e. petitioners before Hon'ble Punjab and Haryana High Court) as well as against unknown persons;

2. None of the above named accused is proclaimed offender:-

(3) The compromise as entered into between the parties is genuine, voluntary and without any coercion or undue influence.

(4) None of the accused person is involved in any other FIR;

(5) As per statement of Investigating Officer, there is only one victim/complainant namely Mehardin (i.e. respondent NO.2 before Hon'ble Punjab and Haryana High Court) in the FIR, who is party to the written compromise Ex.C1 and further s per statement of Investigating Officer, cross case was registered with regard to present FIR i.e. DDR/G.D. NO.40 dated 18.06.2020 under Sections 323, 341, 506 and 34 of the IPC against Manjitdin.”

Learned counsel appearing for the respective parties submit that the parties in the present case and in the cross-case have already compromised the matter and therefore, on the basis of the said compromise, the FIR as well as cross case being G.D. NO.40 dated 18.06.2020 registered under Sections 323, 341, 506 and 34 of the IPC in question, the details of which have been given hereinbefore, may kindly be quashed.

Learned counsel for the respondent No.2/complainant admits the compromise as well as the statement made before the Judicial Magistrate First Class, Sri Anandpur Sahib, and does not raise any objection, in case the

FIR as well as cross version case in question are 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 as well as cross version case 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 cases pending against the accused, this Court is inclined to accept the joint prayer of the parties for quashing the FIR as well as cross case in question on the basis of the compromise.

Thus, the FIR No.80 dated 17.06.2020 (Annexure P-1) CRM-M-38036-2021 registered under Sections 323, 341, 458, 506, 148 and 149 of the IPC at Police Station Kiratpur Sahib as well as G.D. No.40 dated 18.06.2020 registered under Sections 323, 341, 506 and 34 of the IPC at Police Station Kiratpur Sahib in FIR No.80 dated 17.06.2020 (Annexure P-2) in CRM-M-37682-2021 registered under Sections 323, 341, 458, 506, 148 and 149 of the IPC at Police Station Kiratpur Sahib and all other subsequent proceedings arising therefrom are quashed on the basis of compromise entered into between the parties.

The above order, quashing of FIR as well as cross case being G.D. No.40 dated 18.06.2020, will be subject to the payment of Rs.15,000/- as cost in each petition by the petitioners, 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.

December 03, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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