

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**(231) CRM-19397-2021 & CRM-5949-2021 in/and
CRM-M-32499-2020
Date of Decision : September 03, 2021**

Manbir Singh @ Mintu

.. Petitioner

Versus

State of Punjab and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kushagra Mahajan, Advocate, for the applicant-petitioner.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab.

Mr. Manvir Singh Rana, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-19397-2021

In view of the order passed by the Coordinate Bench of this Court on 15.07.2021, the application is allowed.

On oral request of learned counsel for the parties, the main case is taken up for hearing today.

CRM-5949-2021

The application is allowed, as prayed for.

CRM-M-32499-2020

In the present petition, the prayer of the petitioner is for quashing of FIR No.26 dated 24.03.2020 registered under Sections 420 IPC

at Police Station Gharinda, District Amritsar Rural and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court had passed the following order on 05.03.2021:-

“This is a petition for quashing of F.I.R No. 26 dated 24.3.2020 under Section 420 IPC registered at Police Station Gharinda, District Amritsar, along with consequential proceedings arising therefrom, on the basis of compromise.

Learned counsel for the petitioner has contended that the petitioner has since joined the investigation and challan in this case is yet to be filed. Learned counsel for the complainant admits the factum of compromise between the parties.

Under the circumstances, the parties are directed to appear before Ilaqa Magistrate/Duty Magistrate, Amritsar within one month from today, so as to get their statements recorded regarding compromise. The Ilaqa Magistrate/Duty Magistrate, Amritsar is to report whether the compromise has been entered into voluntarily, without any threat or coercion and the same is genuine. It be also intimated whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by next date of hearing.

Adjourned to 17.5.2021. ”

A report has come from Chief Judicial Magistrate, Amritsar, addressed to the Assistant Registrar (Criminal) of this Court dated 25.08.2021 along with the statements of the accused-petitioner 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.

Learned counsel for the petitioner 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 respondent-complainant admits the compromise as well as the statement made before the Chief Judicial Magistrate 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No.26 dated 24.03.2020 registered under Sections 420 IPC at Police Station Gharinda, District Amritsar Rural and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

The above order, quashing the FIR, will be subject to the payment of Rs.15000/- as costs, to be deposited with Prabh Asra, Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-

C, Chandigarh by the petitioner.

September 03, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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