

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

226

CRM-M-37965 of 2021  
Date of Decision : 10.11.2021

Parkash Chand and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: None for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

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**Harsimran Singh Sethi, J. (Oral)**

The present petition has been filed under Section 482 of the Cr.P.C for quashing of FIR No.125 dated 29.05.2021 registered under Sections 451, 324, 323, 506, 148 and 149 of the IPC at Police Station Pasiana, District Patiala on the basis of the compromise entered into between the parties.

Notice of motion was issued by this Court on 14.09.2021 and the Trial Court/Illaq Magistrate was directed to submit report with regard to the following:-

1. Number of persons arrayed as accused in FIR,
2. Whether any accused is 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.
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR and all the victims/

complainants are party to the compromise in question.

A report dated 18.10.2021 has been received from Judicial

Magistrate 1<sup>st</sup> Class, Patiala, which is as under:-

1. That there are eleven accused as mentioned in the FIR. All have appeared before the Court.
2. Accused Parkash Chand has been declared as proclaimed offender on 9.8.2001 in FIR No.266 dated 8.5.2001, u/s 15/61/85 NDPS Act, PS Sadar, Rajpura.  
There is no other accused in this case has been declared as proclaimed offender.
3. As per statement of the parties, the compromise is genuine, voluntary and without any coercion or undue influence out of free will of the parties.
4. Following accused are involved in following other FIRs”-

(a) Parkash Chand is also involved in FIR No.180 dated 9.11.2019 u/s 379/411/414 IPC, PS City-I Sangrur, in FIR No.266 dated 8.5.2001 u/s 15/61/85 NDPS Act, PS Sadar Rajpura, in FIR No.70 dated 10.05.1997, u/s 15/61/85 NDPS Act, PS Munak, in FIR No.376 dated 22.07.2003 u/s 15/61/85 NDPS Act, PS Sadar Patiala.

(b) Karamjit Singh is also involved in FIR No.350 dated 11.05.2001, u/s 379/380 IPC, PS Sadar, Samana.

(c) Kiddu @ Baljit Singh is also involved in FIR No.94 dated 25.06.2021, u/s 15/61/85 NDPS Act, PS Bhikhi.

(d) Aelo @ Karnail Kaur is also involved in FIR No.68 dated 29.07.2018, u/s 341/323/406 IPC PS, Bakhshiwala, in FIR No.86 dated 10.11.2012 u/s 341, 323, 324, 326, 148 and 149 PS, Bakhshiwala Patiala and in FIR No.43 dated 27.5.2018 u/s 22/61/85 NDPS Act, PS Bakshiwala.

(e) Deepa @ Hardeep Singh is also involved in FIR No.68 dated 29.07.2018 u/s 341/323/406 IPC PS Bakhshiwala.

5. There is one complainant i.e. Beebo and two other victim/witness i.e. Kulwant Singh and Soni in this case and they have appeared before the Court. There is no other complainant or victim person.”

As per the report received from the trial Court, the petitioners

are involved in other cases as well and petitioner No.1-Parkash Chand has been declared as Proclaimed Offender.

On the last date of hearing, none appeared on behalf of the

petitioners. Today also, there is no representation on behalf of the

petitioners.

Keeping in view the facts, which have been stated hereinbefore as the petitioners are involved in other cases including the cases of violation of NDPS Act and one of the petitioner is declared as proclaimed offender, no ground is made out to allow the prayer of the petitioners for quashing the FIR in question on the basis of compromise as the petitioners seems to be habitual offenders, especially, in view of the fact that one of the injured in the present case is not a party to the compromise, which fact itself is good enough to decline the prayer of the petitioners for quashing the FIR in question on the basis of compromise.

In view of the above, present petition stands dismissed.

**November 10, 2021**

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**(HARSIMRAN SINGH SETHI)**

**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*