

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

Sr. No.227

CRM-M-38101 of 2021(O&M)

Date of Decision: 29.11.2021

AVTAR SINGH ALIAS RINKU BHATIA

... Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Imran A. Ali, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. K. S. Mamrat, Advocate
for respondent No.2.

Harsimran Singh Sethi, J.(Oral)

In the present petition, the prayer of the petitioner is for quashing of FIR No. 68, dated 21.07.2018, registered under Section 420 IPC registered at Police Station Ghuman, District Batala 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 16.09.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No.0068 dated 21.07.2018 under Sections 420 IPC registered at Police Station Ghuman, District Batala 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 23.08.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Sandeep Singh Deol, 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. Rishav Saini, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant. 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 29.11.2021.

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 23.08.2021 (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 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 has come from the Judicial Magistrate Ist Class, Batala, addressed to the Deputy Registrar of this Court dated 16.10.2021 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 respondent No. 2-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Batala 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. 68, dated 21.07.2018, registered under Section 420 IPC registered at Police Station Ghuman, District Batala 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 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

CRM-M-38101 of 2021

:4:

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.

(HARSIMRAN SINGH SETHI)
JUDGE

29.11.2021

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