

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

233

**CRM-M-38271 of 2021
Date of Decision : 29.10.2021**

Jass Bahadur @ Anup Nepali

...Petitioners

Versus

State of Haryana and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vaibhav Parashar, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Maneesh Kumar Bali, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

This is a second petition filed under Section 482 Cr.P.C for quashing of FIR No.350 dated 23.07.2020 registered under Sections 323 and 506 of the IPC and Sections 25, 54 and 59 of the Arms Act, 1959 at Police Station Suraj Kund, District Faridabad on the basis of the compromise, which has been entered into between the parties.

On the last date of hearing, this Court passed the following order:-

“This is second petition has been filed for quashing of FIR No. 350 dated 23.07.2020 (Annexure P-1) registered under Sections 323, 506 of IPC and Section 25 of Arms Act, 1959 at Police Station Suraj Kund, District Fardibad on the basis of compromise entered into between the parties.

Learned counsel for the petitioner submits that the present FIR may kindly be quashed on the basis of the compromise arrived at between the parties.

Learned counsel for the petitioner further submits that though, initially the provisions of the Arms Act, 1959 were invoked in the FIR but while submitting the challan, the same were dropped.

Learned counsel for the petitioner argues that in order to live peacefully, parties have entered into a compromise on 03.03.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, A.A.G., Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State and submits that he does not have any instructions qua the compromise.

Mr. M.K. Bali, who is also present in the Court, accepts notice on behalf of respondent No.2- complainant, concedes that parties have compromised the dispute vide compromise deed dated 03.03.2021. A copy of which has been attached as Annexure P-2 and the complainant does not have any objection for quashing of the FIR.

Adjourned to 29.10.2021.

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 03.03.2021 (Annexure P-2) on 06.10.2021 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 dated 13.10.2021 has come from Judicial Magistrate 1st Class, Faridabad, 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. As per the said report, the compromise between the parties is genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them.

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 respondent No.2 admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Faridabad 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 hereinbefore 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, FIR No.350 dated 23.07.2020 registered under Sections 323 and 506 of the IPC and Sections 25, 54 and 59 of the Arms Act, 1959 at Police Station Suraj Kund, District Faridabad 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.10,000/- 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 Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioners.

October 29, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No