

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

(224)

**CRM-M-35247-2020**

**Date of decision: - 26.10.2021**

**Bimla Devi Joshi and others**

**....Petitioners**

**Versus**

**State of Punjab and others**

**.....Respondents**

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

Present:- Mr. Rakesh Kumar, Advocate,  
for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Amit Dhawan, Advocate,  
for respondents No.2 and 3.

**( Through Video Conferencing )**

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.165 dated 15.09.2011, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Kapurthala City, District Kapurthala as well as all the subsequent proceedings arising out of the same, keeping in view the compromise dated 17.10.2020 (Annexure P-2), which has been entered into between the parties.

While hearing CRM-19219-2021 on 20.07.2021, a Coordinate Bench of this Court had passed the following order :-

“The case has been taken up for hearing through video-conferencing.

CRM No.7625 of 2021 was filed for allowing the parties to record their statements before the Magistrate in support of the compromise in question. The said application was ordered to be listed along with the main case which was fixed for 26.03.2021.

CRM No.19219 of 2021 has been preferred for fixing CRM No.7625 of 2021 for recording the statements of the parties as the main case is fixed for 06.09.2021. Notice was issued on 03.11.2020 in the main petition in which prayer has been made for quashing of FIR No.165 dated 15.09.2011 under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, Police Station Kapurthala City, District Kapurthala on the basis of compromise.

Notice of the application.

On asking of the Court Mr. Amar Ashok Pathak, Addl. A.G. Punjab accepts notice on the behalf of the State and Mr. Amit Dhawan, Advocate appears on the behalf of respondent No.2. In view of the fact that the main case is fixed for 06.09.2021, I deem it appropriate to direct the parties to appear before the Illaqa Magistrate on 29.07.2021 for recording their statements. The concerned Court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person.”

A report has come from the Judicial Magistrate 1<sup>st</sup> Class, Kapurthala, along with the statements of the accused-petitioners as well as the complainant, which have been recorded. The relevant part of said report is as under: -

“In accordance with the above said orders, petitioners namely Amarjit Kumar son of Banarsi Dass Sharma and Baljinder Singh son of Surinder Singh (Power of attorney) on behalf of Bimla Devi Joshi wife

of Ved Parkash Joshi and Ved Parkash Joshi son of Charan Dass came present and got recorded their statements before the undersigned with regard to compromise of the matter with opposite party in the abovesaid FIR. On the other hand, respondent No.3 Gurminder Singh (impleaded as party respondent No.3 in order to depose before the Illaqa Magistrate in the context of compromise, vide order dated 28.07.2021 of Hon'ble Punjab & Haryana High Court, Chandigarh in CRM-22167-2021) also appeared in the Court and got recorded his statement before the undersigned with regard to compromise of the matter in the above said FIR. As per statements, both the parties have effected compromise which is genuine, voluntary, without any threat, pressure, coercion or undue influence. Gist of the statements is that deponents have no grudge or revenge with each other and they want to live peacefully to avoid untoward incident in the future.

Statement of Investigating Officer Sub Inspector Suminder Singh also got recorded. He stated that the persons arrayed as accused in the present FIR are 3 in numbers namely Bimla Devi Joshi w/o Ved Parkash Joshi, Ved Parkash Joshi s/o Charan Dass Joshi and Amarjit Kumar Sharma s/o Banarsi Dass Sharma. No person in the said FIR has been declared proclaimed offender/proclaimed person. As per statement of Investigating officer, there is no other FIR pending against the accused persons except the present case.””

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 respondents No.2 and 3 admits the compromise as well as the statements made before the Judicial Magistrate 1<sup>st</sup> Class, Kapurthala 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.165 dated 15.09.2011, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Kapurthala City, District Kapurthala 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, subject to the cost of Rs.15,000/- to be paid by the petitioners in 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, as the litigation generated by the petitioners has wasted precious time of not only this Court but also of the Court below.

( HARSIMRAN SINGH SETHI )  
JUDGE

October 26, 2021  
naresh.k

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| Whether reasoned/speaking? | Yes |
| Whether reportable?        | No  |