

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-39585-2021
Date of Decision : 03.12.2021

Mithu Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nishan Singh Chahal, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Hemraj Bhardwaj, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.0102 dated 29.10.2010 registered under Sections 324, 323 and 34 of the IPC at Police Station Jaitu, Tehsil Jaitu, District Faridkot on the basis of the compromise, which has been entered into between the parties.

On 22.09.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No.0102 dated 29.10.2010 (Annexure P-1) registered under Sections 324, 323 and 34 of the IPC at Police Station Jaitu, Tehsil Jaitu, District Faridkot on the basis of compromise dated 05.09.2021 (Annexure P/2) entered into between the parties and affidavit of the complainant dated 13.09.2021 (Annexure P/3).

Learned counsel for the petitioner argues that in order to live peacefully, parties have entered into compromise on 05.09.2021 (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 Kumar, DAG, Punjab who is present in the Court, accepts notice on behalf of respondent No.1-State.

Mr. Hemraj, Advocate, who is present in the Court, accepts notice on behalf of respondent No.2-complainant. He does not dispute the above said compromise as well as affidavit of complainant dated 13.09.2021 (Annexure P/3), 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 03.12.2021.

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 05.09.2021 (P-2) on 28.10.2021 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 as well as accused 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 dated 11.11.2021 has come from Sub Divisional Judicial Magistrate, Jaitu, 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. Relevant portion of the report is as

under:-

“As per the statement of the parties, it appears that the compromise is genuine, voluntary without any threat, undue influence or coercion. All the parties have given their consent towards the compromise. It has come on record that the present FIR is registered against four accused namely Mithu Singh, Goga Singh @ Bhupinder Singh, Jinda Singh @ Baljinder Singh and Kanta Singh @ Kulwant Singh. It has also come on record that none of the accused is involved in any other criminal case and none of the accused has been declared as proclaimed offender in the present case. It has also come on record that there is only one complainant/victim Gurmail Singh in the present FIR and he is party to the compromise in question.

The aforementioned report is forwarded for kind information and necessary action please.”

Learned counsel for the petitioners submit 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 Sub Divisional Judicial Magistrate, Jaitu 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.0102 dated 29.10.2010 registered under Sections

324, 323 and 34 of the IPC at Police Station Jaitu, Tehsil Jaitu, District Faridkot 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.15,000/- as cost, to be deposited with Poor Patients Welfare Fund, PGIMER, Chandigarh by the petitioners.

December 03, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No