

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

Sr. No.224

**CRM-M-41218 of 2021(O&M)
Date of Decision: 02.12.2021**

RAJ KUMARI @ FULKUMARI DEVI AND ANOTHER

... Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arun Kumar Batra, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Gurkeerat Singh Walia, Advocate
for respondent No.2.

Harsimran Singh Sethi, J.(Oral)

In the present petition, the prayer of the petitioners is for quashing of FIR No.32, dated 15.04.2020, registered under Sections 323, 452, 506, 34, 188, 269 and 270 of IPC registered at Police Station Phase-11, District SAS Nagar, Mohali 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 04.10.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 0032 dated 15.04.2020 registered under Sections 323, 452, 506, 34, 188, 269 and 270 of the Indian Penal Code, 1860 at Police Station Phase-11, District SAS Nagar, Mohali, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in

order to live peacefully, parties have entered into compromise on 26.05.2020 (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, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1.

Mr. Gurkeerat Singh Walia, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 02.12.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 28.10.2021 by moving 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 valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR is to be quashed. ”

A report has come from the Additional Chief Judicial Magistrate, SAS Nagar addressed to the Registrar General of this Court dated 10.11.2021 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 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. Relevant part of the report is as under:-

“The report is submitted as under:-

1. As per the statement of accused as well Investigating Officer, there are only two accused in the present FIR.

2. As per the joint statement of both the accused as well as IO, no accused has ever been declared PO in this FIR.

3. As per the statement of both the parties, compromise appears to be genuine, voluntary and without any coercion or undue influence.

4. As per the joint statement of both the accused, no other FIR is pending against them except the present one.

5. As per the statement of IO, there is only one victim/complainant in this case and both the accused as well as complainant are party to the compromise in question.”

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-complainant admits the compromise as well as the statement made before the Additional Chief Judicial Magistrate, SAS Nagar 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.32, dated 15.04.2020, registered under Sections 323, 452, 506, 34, 188, 269 and 270 of IPC registered at Police Station Phase-11, District SAS Nagar, Mohali 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 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

02.12.2021
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Whether speaking/reasoned	:	Yes
Whether reportable	:	No