

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M-40795-2021
Date of Decision : 06.12.2021

Baljit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kuljit Singh Bal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Sukhbir Maandi, Advocate for
Mr. Inderpal Singh, Advocate for respondents No.2 to 4.

Harsimran Singh Sethi, J. (Oral

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.87 dated 14.09.2021 registered under Sections 452, 323, 324 and 506 of the IPC at Police Station Mehta, District Amritsar Rural and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 29.09.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 87, dated 14.09.2021, registered under Sections 452, 323, 324 and 506 IPC at Police Station Mehta, District Amritsar Rural, 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 16.09.2021(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. Inderpal Singh, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent Nos.2 to 4. 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 06.12.2021.

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 27.10.2021 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 dated 17.11.2021 has come from Judicial Magistrate

First Class, Baba Bakala Sahib, addressed to the Registrar General of this Court 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 genuine, voluntary and without any coercion or undue influence and accused has not been declared as proclaimed offender. The relevant portion of the report is as under:-

“The report as desired by the Hon'ble High Court is as under:-

1. As per statement of parties and Investigation Officer only one accused is involved in this case

who is petitioner and three victims/complainant in this FIR. All the victims/complainant and accused are party to this petition.

2. Accused has not been declared proclaimed offender as per statement of investigating officer.
3. After considering statements of parties and investigating Officer, the undersigned is of the opinion that said compromise has been entered into in between the petitioner and complainant/respondents voluntarily, out of their free will and without an pressure or coercion and the same appears to be genuine one.
4. As per the statement of Investigation Officer, accused/petitioner Baljit Singh is also involved in another case bearing FIR No.104/2018, U/s 306 IPC, registered at PS Mehta and trial of the same is pending.”

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 respondents No.2 to 4 admits the compromise as well as the statements made before the Judicial Magistrate, First Class, Baba Bakala Sahib 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 but states that there is another case pending against the petitioner.

Learned counsel for the petitioner submits that in respect of FIR No.104/2018 registered at Police Station Mehta, District Amritsar Rural, the petitioner is already on bail and even the challan has not been presented so far to prima facie say that the petitioner is a guilty in any manner of the accusation made in the said FIR, hence, same is liable to be ignored at this stage.

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 accused is not a proclaimed offender, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.87 dated 14.09.2021 registered under Sections 452, 323, 324 and 506 of the IPC at Police Station Mehta, District Amritsar Rural and all other subsequent proceedings arising therefrom are quashed qua the petitioner 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 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 petitioner.

December 06, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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