

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(223)

CRM No. M-40881 of 2021
Date of Decision : 07.12.2021

Buta Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lovepreet Handa, Advocate for
Mr. Karanjeet Singh Brar, Advocate for the petitioners.

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

Mr. Rajat Dogra, Advocate for respondent No. 2/complainant.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioners is for quashing of FIR No. 73 dated 03.06.2018 (Annexure P-1) registered under Sections 447, 511, 427 and 149 of the IPC at Police Station Dayalpura, District Bathinda 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 30.09.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No.73 dated 03.06.2018 (Annexure P-1) registered under Sections 447, 511, 427 and 149 of the IPC at Police Station Dayalpura, District Bathinda on the basis of compromise

entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, the parties have entered into compromise on 03.09.2021 (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 Singh Deol, DAG, Punjab., who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Mr. Rajat Dogra, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant. He does not dispute the above said compromise 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 07.12.2021.

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 03.09.2021 (P-2) on 27.10.2021 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.”

In pursuance to the above mentioned order, a report has come from Judicial Magistrate Ist Class, Phul addressed to the Registrar General of this Court dated 16.11.2021 along with the statements of the accused-petitioners as well as the complainants. The relevant part of the said report is as under :-

“xxxxx The statement of Investigating Officer has also been recorded. Further, in reply to above said query, it is submitted as under :-

- “1. As per record, there are only six persons arrayed as accused.*
- 2. As per record, none of the accused has not been declared as proclaimed offender.*
- 3. The compromise arrived at between the complainant Sukhmander Singh as well as accused Buta Singh, Manpreet Singh, Malkiat Singh, Harpreet Singh, Resham Singh and Harpreet Singh @ Peeta though his power of attorney Gurdeep Singh is genuine, voluntary and without any coercion or undue influence, being outcome of their free will and consent.*
- 4. As per report of Ahlmad, the accused have not been involved in any other FIR, except the present one.*
- 5. As per statement of Investigating Officer, there is only one victim/complainant Sukhmander Singh @ Mander Singh and there are six accused in the present case.”*

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.

Learned counsel for the petitioners submits that in order to live peacefully, the parties have compromised their dispute and, therefore, the present petition may kindly be allowed and the FIR in question may be quashed on the basis of the compromise, a copy of which has been appended with this petition as Annexure P-2.

Learned counsel for the respondent No. 2/complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Phul 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. 73 dated 03.06.2018 (Annexure P-1) registered under Sections 447, 511, 427 and 149 of the IPC at Police Station Dayalpura, District Bathinda 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.15000/- as cost, to be deposited by the petitioners 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.

December 07, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No