

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(224)

CRM-M No.41750 of 2021

Date of Decision : 07.12.2021

Kashmir Singh and others

....Petitioners

Versus

State of Punjab and another

.....Respondents

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Deepak Arora, Advocate
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Kuldeep Kumar Sarthi, 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.64 dated 06.06.2021 under Sections 452,323,148,149 and 506 of the Indian Penal Code, 1860, registered at Police Station Taragarh, District Pathankot, 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 06.10.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No.64 dated 06.06.2021 registered under Sections 452, 323, 148, 149 and 506 of the Indian Penal Code, 1860 at Police Station Taragarh, District Pathankot, 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 16.08.2021 (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, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1.

Mr. Kuldeep Kumar Sarthi, 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 07.12.2021.

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 02.11.2021 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. ”

In pursuance to the above mentioned order, a report has come from Judicial Magistrate Ist Class, Pathankot addressed to the Registrar

accused-petitioners as well as the complainants. The relevant part of the said report is as under :-

5. "From the statements of parties, it appears that parties have effected compromise with each other voluntarily and without any pressure or coercion. Total eight accused persons arrayed in the present FIR. No accused is declared proclaimed person in this case and also no PO proceedings are pending against any of the party. Above named eight accused persons are not involved in any other FIR and all the victims/complainants as well as accused are party to the compromise in question."

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, Pathankot 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.64 dated 06.06.2021 under Sections 452,323,148,149 and 506 of the Indian Penal Code, 1860, registered at Police Station Taragarh, District Pathankot 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.

07.12.2021
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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