

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-43677-2021
Date of Decision : 25.11.2021

Bhajan Lal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bhavdeep Singh Mamli, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Deepak Kumar, Advocate for respondents No.2 and 3.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.0240 dated 12.05.2016 under Sections 323, 341, 506 and 34 of the IPC, registered at Police Station Sadar Fatehabad, District Fatehabad on the basis of the compromise, which has been entered into between the parties.

On 14.10.2021, a Coordinate Bench of this Court had passed the following order:-

“In this petition, the petitioners, who are the accused persons in F.I.R No.0240 dated 12.05.2016, under Sections 323, 341, 506 and 34 of the Indian Penal Code, 1860 registered at Police Station Fatehabad, District Fatehabad Nagar, have prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-3).

Learned counsel for the petitioners refers to Compromise Deed (Annexure P-3), and states that the matter has been amicably settled between the parties.

Notice of motion for 25.11.2021.

In view of the above, the parties shall appear before the learned Trial Court/Illaqa Magistrate on or before 15.11.2021 for getting their statements recorded with regard to the compromise arrived at between them. Learned trial Court/Illaqa Magistrate after ensuring their identity as well as the fact, that the statements are being made by them voluntarily and without any pressure, threat or coercion shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.”

A report dated 17.11.2021 has come from Judicial Magistrate

First Class, Fatehabad 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 genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. Said report is as under:-

“Perusal of statement of both parties reflects that they have entered into compromise voluntarily and without any pressure or influence from any side. Compromise entered into between parties is genuine and valid. It is further submitted that this case was registered against six accused persons namely Bhajan lal, Kishan Lal, Gurdev, Naveen, Naresh and Sandeep and none of the accused is proclaimed person/offender in this case. Report submitted for kind perusal.”

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 respondents No.2 and 3 admits the compromise as well as the statements made before the Judicial Magistrate

First Class, Fatehabad 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.0240 dated 12.05.2016 under Sections 323, 341, 506 and 34 of the IPC, registered at Police Station Sadar Fatehabad, District Fatehabad 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 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 petitioners.

November 25, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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