IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

224 **CRM-M-42663-2021**
Date of Decision : 25.11.2021

Karam Chand and others **...Petitioners**

Versus

State of Haryana and others **...Respondents**

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak Kumar, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Bhavdeep Singh Mamli, Advocate
for respondents No.2 to 4.

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Harsimran Singh Sethi, J. (Oral

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.0392 dated 05.08.2016 under Sections 148, 149, 323, 324 and 325 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 11.11.2021, this Court had passed the following order:-

> ***"CRM No. 35296 of 2021***
>
> Present application has been filed for preponing the date of hearing of the main petition i.e. CRM No. M-42663 of 2021, which stands adjourned to 02.12.2021.
>
> Notice of the application to the counsel opposite.
>
> Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of respondent- State and raises no objection for the grant of prayer as raised in the present application.
>
> Keeping in view the above, application is

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allowed and the hearing of the main petition i.e. CRM No. M-42663 of 2021 is preponed from 02.12.2021 to today.

CRM No. M-42663 of 2021

The present petition has been filed for quashing of FIR No. 392 dated 05.08.2016, registered under Sections 148, 149, 323, 324, 325 IPC at Police Station Sadar Fatehebad, District Fatehabad, on the basis of a compromise entered into between the parties.

Learned counsel for the petitioners submits that the present is a case of version and cross version in respect of an FIR No. 240 dated 12.05.2016 registered against the complainant herein. Learned counsel for the petitioners submits that parties have already compromised their dispute vide compromise deed dated 05.10.2021 (Annexure P-3) on the basis of which, CRM No. M-43677 of 2021 has already been filed for quashing of FIR No. 240 dated 12.05.2016, in which notice of motion has already been issued for 25.11.2021 and the parties have been directed to get their statements recorded before the concerned trial Court/Illaqa Magistrate on or before 15.11.2021. Learned counsel for the petitioners further submits that the present FIR is also part of the said compromise deed and, therefore, the present petition be also heard along with CRM No. M-43677 of 2021.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. R.S. Mamli, Advocate, who is also present in Court, accepts notice on behalf of respondents No. 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 25.11.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statement with regard to the compromise/settlement on or before 15.11.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaqa Magistrate is directed to submit thereport 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*

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> *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 Additional Chief Judicial Magistrate, 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. Relevant part of the report is as under:-

> " The parawise report as desired by the Hon'ble High Court is as under:-
>
> (1) There are only 9(nine) accused persons arrayed in the FIR.
>
> (2) As per statement of Investigating Officer, the accused have never been declared proclaimed person.
>
> (3) From the above-statements of respondents and petitioners the compromise appears to be genuine, voluntary and without any coercion or undue influence.
>
> (4) As per statement of Investigating Officer, the accused persons are not involved in any other FIR.
>
> (5) Statement of Investigating officer is recorded. As per statement of Investigating Officer, All the complainants/victims as well as accused are party to the compromise in question."

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 to 4 admits the compromise as well as the statements made before the Additional Chief Judicial Magistrate, Fatehabad and does not raise any objection, in case the

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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.0392 dated 05.08.2016 under Sections 148, 149, 323, 324 and 325 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 **(HARSIMRAN SINGH SETHI)**
aarti **JUDGE**

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

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