

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CRM No. M-43275 of 2021
Date of Decision : 23.11.2021

Manjit Singh alias Kala

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikasdeep Singh, Advocate for the petitioner.

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

Mr. Vikas Gupta, Advocate for
Mr. Nagar Singh, Advocate for respondent Nos. 2 to 4.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for quashing of FIR No. 141 dated 08.05.2020, under Sections 379 IPC (Sections 454 and 380 IPC added later on), registered at Police Station Sultanpur Lodhi, District Kapurthala and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

A co-ordinate bench of this Court while issuing notice of motion on 14.10.2021 had passed the following order:-

“The petitioner is seeking quashing of FIR No. 141

dated 08.05.2020 under Sections 379 IPC (Sections 454 and 380 IPC added later on), registered at Police Station Sultanpur Lodhi, District Kapurthala, on the basis of compromise dated 10.09.2021 (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the petitioner contends that the FIR is outcome of a misunderstanding between the parties. It is alleged that the tractor-trolley of the complainant had been stolen by the petitioner. With the intervention of the respectables, the matter has been compromised. A copy of the compromise is annexed as Annexure P-2.

Issue notice to the respondents.

At the asking of the Court, Mr. Amandeep Singh Gill, Senior DAG, Punjab accepts notice on behalf of respondent No.1-State.

Mr. Nagar Singh, Advocate has put in appearance on behalf of respondents No.2 to 4 and states that the matter has indeed been compromised.

List on 23.11.2021.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 28.10.2021. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.”

In pursuance to the above mentioned order, a report has come from Sub Divisional Judicial Magistrate, Sultanpur Lodhi addressed to the Deputy Registrar of this Court dated 01.11.2021 along with the statements of the accused-petitioners as well as the complainants. The relevant part of the said report is as under :-

“In the light of statements suffered by both the parties, it appears that parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.”

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 petitioner 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 Nos. 2 to 4 admits the compromise as well as the statement made before the Sub Divisional Judicial Magistrate, Sultanpur Lodhi 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-petitioner, this Court is inclined to accept the prayer of

the petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No. 141 dated 08.05.2020, under Sections 379 IPC (Sections 454 and 380 IPC added later on), registered at Police Station Sultanpur Lodhi, District Kapurthala 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.15000/- as costs, to be deposited by the petitioner 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.

November 23, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No