

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CRM No. 31092 of 2021 in/and
CRM No. M-33611 of 2019
Date of Decision : 28.09.2021

Balwinder Singh @ Fauji and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Suresh Kumar Arya, Advocate for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. S.K. Chaudhary, Advocate for respondents No. 2 and 3.

Harsimran Singh Sethi J. (Oral)

CRM No. 31092 of 2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-33611-2019, which now stands adjourned to 08.11.2021.

Learned counsel for the applicant-petitioners argues that the present is a case, where the prayer of the applicant-petitioners is for quashing of FIR on the basis of compromise and the statements of the parties have already been recorded by the Court below and the report has been sent to this Court and, therefore, the hearing of the main petition i.e.

CRM-M-33611 of 2019 may kindly be preponed.

Notice of the application to the counsel opposite.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondent-State and Mr. S. K. Chaudhary, Advocate, who is also present in Court, accepts notice on behalf of respondents No. 2 and 3 and they have no objection for the grant of the prayer as raised in the present application.

Keeping in view the joint request of learned counsel for the parties, the main petition i.e CRM-M-33611-2019 is preponed from 08.11.2021 to today and is taken up for hearing.

CRM-M-33611-2019

In the present petition, the prayer of the petitioners is for quashing of FIR No. 65, dated 05.03.2018, registered under Sections 160, 427, 323, 506, 148, 149 IPC at Police Station 'A' Division, District Amritsar and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 20.08.2019 had passed the following order:-

“Notice of motion.

On the asking of Court, Mr. Sidakmeet Singh Sandhu, AAG, Punjab, accepts notice on behalf of respondent No.1-State.

At this stage, Mr. S.K.Choudhary, Advocate has appeared and filed power of attorney on behalf of respondents No.2 and 3, which is taken on record.

Copies of complete paper-book be supplied to learned State counsel and learned counsel for respondents No.2 and 3 during the course of the day.

Service is complete.

Learned counsel for the petitioners as well as learned counsel for respondents No.2 and 3 submits that compromise has been effected between the parties.

Now the parties are directed to appear before the trial Court where the case is pending on 20.09.2019 and to get recorded their statements regarding compromise and after recording their statements, the trial Court is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e.31.10.2019.

A copy of this order be sent to learned trial Court through FAX for compliance.”

A report has come from Judicial Magistrate Ist Class, Amritsar addressed to the Deputy Registrar (Criminal) of this Court dated 29.10.2019 along with the statements of the accused-petitioners as well as the complainants which have been recorded. 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 and 3/complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Amritsar 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 petitioners for quashing the FIR on the basis of the compromise.

Thus, the FIR No. 65, dated 05.03.2018, registered under Sections 160, 427, 323, 506, 148, 149 IPC at Police Station 'A' Division, District Amritsar 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 costs, 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.

September 28, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No