

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(232)

CRM-M No.44031 of 2021
Date of Decision : 15.12.2021

Munish and another

....Petitioners

Versus

State of Haryana and others

.....Respondents

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. A.K. Walia, Advocate
for the petitioners.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Madan Mohan Pandey, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

In the present petition, the prayer of the petitioners are for quashing of FIR No.384 dated 18.08.2019 under Sections 323,365,379,506 and 34 IPC, registered at Police Station Pundri, District Kaithal 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 25.10.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No.384 dated 18.08.2019 (Annexure P-1) registered under Sections 323, 365, 379, 506 and 34 IPC, at Police Station Pundri, District Kaithal, 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 dated 30.09.2021 (Annexure P-2), according to which, both the parties have agreed not

to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Mr. Madan Mohan Pandey, Advocate, accepts notice on behalf of respondents No.2 and 3. Learned counsel for respondents No.2 and 3 does not dispute the above-said compromise which has been arrived at between the parties, according to which complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 15.12.2021.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise dated 30.09.2021 (P-2) on 23.11.2021 by moving an 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 the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the 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, Kaithal addressed to the Registrar General of this Court dated 25.11.2021 along with the statements of the accused-petitioner as well as the complainants. The relevant part of the said report is

as under :-

“On the basis of the report of Investigating Officer and record available with this Court, the following report is being sent as under:

(A) There are two accused in the present First Information Report bearing No.384 dated 18.08.2019, i.e. petitioners, whose names are as under:

1. Manish Kumar son of Sher Singh

2. Ankit Kumar son of Rishi Pal

(B) Accused persons have not been declared proclaimed offender

(C) Accused persons are not involved in any other FIR.

(D) in the present case, complainant is Naresh Kumar son of Balwant Singh, victim of Ujjwal son of Naresh Kumar and there is no other victim or complainant. All persons i.e. complainant Naresh Kumar son of Balwant Singh, victim Ujjwal son of Naresh Kumar, accused persons namely Ankit Kumar son of Rishi Pal and Munish son of Sher Singh are party to the complainant 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, Kaithal 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.384 dated 18.08.2019 under Sections 323,365,379,506 and 34 of the Indian Penal Code, registered at Police Station Pundri, District Kaithal 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.

15.12.2021
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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