

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-43750-2021
Date of Decision : 30.11.2021

Satbir and another

...Petitioners

Versus

State of Haryana and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Inderjeet Singh, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Jamshed Ahmed, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.1312 dated 30.10.2019 registered under Section 379-A of the IPC at Police Station Jagadhri City, District Yamuna Nagar 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:-

“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.1312 dated 30.10.2019 registered under Section 379-A of the Indian Penal Code, 1860 at Police Station Jagadhri City, District Yamuna Nagar and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners has submitted that all the persons concerned are party to

the compromise.

Notice of motion for 30.11.2021.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of the respondent-State and Mr. Jamshed Ahmed, Advocate appears on behalf of respondent No.2.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 15 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is 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?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR."*

A report dated 27.10.2021 has come from District & Sessions Judge, Yamuna Nagar, addressed to the Registrar General of this Court along with the statements of the accused-petitioner as well as the complainant, which have been recorded. The relevant portion of the report is as under:-

“My point-wise report is as under:-

1. Number of persons arrayed as accused.

As per statement made by SI Dharam Pal, the investigating officer and after going through the case file, it is submitted that only two persons, namely, Aakif and Satbir alias Golu have been arrayed as accused in the present case bearing FIR No.1312 dated 30.10.2019 registered under Section 379-A of Indian penal Code, 1860 at Police Station City Jagadhri, District Yamuna Nagar.

2. Whether any accused is proclaimed offender?

None of the accused has been declared proclaimed offender or person, as stated by the investigating officer.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

It is submitted that Smt. Chhavi Tyagi, the victim/complainant as well as accused Aakif and Satbir alias Golu have appeared before this Court and they have made above mentioned statements regarding the compromise arrived at between them.

After hearing the parties and going through the statements made by them, this Court is of the view that the parties have arrived at an amicable settlement and the compromise is genuine, voluntary and without any pressure or undue influence. Original statements made by the parties and the investigating officer before this Court on 25.10.2021 are annexed herewith for kind perusal.

4. Whether the accused persons are involved in any other case or not?

As per statement made by SI Dharam, Pal, the Investigating Officer, apart from the present case, accused Aakif is involved in another case bearing FIR No.140 of 2020 registered under Section 379-A of the Indian Penal Code, 1860 with Police Station City Yamuna Nagar and similarly, accused Satbir alias Golu is involved in another case bearing FIR No.201 of 2020 registered under Section 379-A of India Penal Code, 1860 with Police Station City Yamuna Nagar.

5. The trial Court is also directed to record the statement of the Investigation Officer as to how many victims/complainant are there in the FIR?

As per the statement made by SI Dharam Pal, the investigating officer, and after going through the case file, it is submitted that Smt. Chhavi Tyagi wife of Shri Keshav Tyagi, resident of House No.419/14 C-7, Roop Nagar Colony, Jagadhri, District Yamuna Nagar is the only victim/complainant in the present case arising out of FIR No.1312 dated 30.10.2019 registered under Section 379-A of Indian Penal Code, 1860, with Police Station City Jagadhri.”

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 respondent No.2-complainant admits the compromise as well as the statements made before the District & Sessions Judge, Yamuna Nagar 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.1312 dated 30.10.2019 registered under Section 379-A of the IPC at Police Station Jagadhri City, District Yamuna Nagar 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 30, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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