

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-40474-2021 in/&
CRM-M-49735-2021 (O&M)
Date of Decision : 22.12.2021

Gurtej Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Munish Khanngwal, Advocate for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Mandeep S. Bains, Advocate for respondents No.2 to 4.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.15 dated 23.03.2020 registered under Sections 452, 324, 323, 148 and 149 of the IPC at Police Station Sadar Kurali, District S.A.S. Nagar, Mohali and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 29.11.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 15 dated 23.03.2020 registered under Sections 452, 324, 323, 148 and 149 of the IPC at Police Station Sadar Kurali, District SAS Nagar (Mohali), 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 on 20.10.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in the Court, accepts notice on behalf of respondent No. 1.

Mr. Mandeep S. Bains, Advocate, who is also present in the 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 22.12.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 07.12.2021 by moving 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 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 16.12.2021 has come from Judicial Magistrate 1st Class, Kharar, addressed to the Registrar General of this Court 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. The relevant portion of the report is as under:-

“From the statements of the parties so recorded in the Court on oath, the undersigned is submitting the report, as desired by Hon'ble High Court, as following:-

1. As per statements of the parties,

- Investigating Officer and as per FIR, the number of persons arrayed as accused in FIR is seven i.e. Gurtej Singh, Balwinder Singh, Dibagh Singh, Sohan Singh, Nachattar Singh, Amritpal Singh and Charanjit Kaur (petitioners before Hon'ble High Court) and they all have appeared before this Court and made statements regarding compromise.
2. As per the statements of parties and Investigating Officer, none of accused is a Proclaimed Offender.
 3. As per statements of parties, the compromise effected between the parties appears to be genuine, voluntary and without any coercion or undue influence.
 4. As per statements of parties and Investigating Officer, the accused persons are not involved in any other FIR.
 5. As per statement of Investigating Officer, the complainant in present case is one i.e. Gurjinder Singh son of Dalvir Singh. There are two injured. Victims in present FIR i.e. Harvinder Singh and Shinder Pal Kaur. Present F.I.R has been registered against seven accused persons namely Gurtej Singh, Balwinder Singh, Dibagh Singh, Sohan Singh, Nachattar Singh, Amritpal Singh and Charanjit Kaur. There is no other complainant, victim or accused except above mentioned. Complainant, injured/victims and accused persons 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 Judicial Magistrate 1st Class, Kharar 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.15 dated 23.03.2020 registered under Sections 452, 324, 323, 148 and 149 of the IPC at Police Station Sadar Kurali, District S.A.S. Nagar, Mohali 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.

December 22, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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