

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

233

(1) CRM-M-44803-2021

Satwant Singh @ Soni and another

...Petitioners

Versus

State of Punjab and others

...Respondents

(2) CRM-M-46758-2021

Charanjit Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

Date of Decision : 22.12.2021

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dinesh Maurya, Advocate for
Mr. G.S. Sandhu, Advocate for the petitioners
in CRM-M-44803-2021 and for respondent No.2.
in CRM-M-46758-2021.

Mr. Jagmeet Singh Moudgill, Advocate
for the petitioners in CRM-M-46758-2021 and
for respondents No.2 and 3 in CRM-M-44803-2021

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for
quashing of FIR No.206 dated 08.11.2018 registered under Sections 323,
451, 452, 440, 506, 148 & 149 of the IPC at Police Station Sadar Patiala

District Patiala as well as DDR No.38 dated 08.11.2018 registered under Sections 341, 323, 324 and 506 of the IPC (Section 201 of the IPC added later on) and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 27.10.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 206, dated 08.11.2018, registered under Sections 323, 451, 452, 440, 506, 148, 149 IPC at Police Station Sadar Patiala, District Patiala, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, parties have entered into compromise on 21.09.2021/04.10.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No. 1

Mr. Jagmeet Singh Moudgill, Advocate, who is also present in Court, accepts notice on behalf of respondents No. 2 and 3. 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 14.12.2021.

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 24.11.2021 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 02.12.2021 has come from Additional Chief Judicial Magistrate, Patiala 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:-

“In view of the statements of the parties, as well as the Investigating Officer ASI Devinder Singh, It is reported that there are total five accused in present case and out of them three accused have been kept in column No.2 and remaining two accused namely Satwant Singh and Sachdeep Singh are facing trial. None of the accused is declared as proclaimed offender. It is submitted that in this case bearing FIR No.206 dated 8.11.2018 FIR was registered under Sections 323/451/440/506/148/149 IPC, Police Station Sadar Patiala. However, the challan has been presented under Sections 452/325/323/506/34 IPC. It is humbly submitted that a cross case with regard to same occurrence is also pending against the complainant Charanjit Singh and Harjit Singh. The compromise between the parties appears to be genuine, voluntary and without any coercion or undue influence. As per the statement of I.O. the accused are not involved in any other FIR and that as per the statements of parties and Investigating Officer, there are only two victims in the present case i.e complainant Charanjit Singh and injured Harjit Singh, who are party to the compromise in question. Accordingly, I hereby submit my report and the copies of the statements of the parties, copies of their Aadhar cards, as well as, the copy of statement of Investigating Officer ASI Devinder Singh, are enclosed herewith for your kind perusal.”

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 as well as DDR alive.

Learned counsel for respondents-complainants admits the

compromise as well as the statements made before the Additional Chief Judicial Magistrate Patiala and does not raise any objection, in case the FIR as well as DDR in question are 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 as well as DDR 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 as well as DDR in question on the basis of the compromise.

Thus, FIR No.206 dated 08.11.2018 registered under Sections 323, 451, 452, 440, 506, 148 & 149 of the IPC at Police Station Sadar Patiala District Patiala as well as DDR No.38 dated 08.11.2018 registered under Sections 341, 323, 324 and 506 of the IPC (Section 201 of the IPC added later on) 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 of quashing of the FIR as well as DDR, will be subject to the payment of Rs.15,000/- in each petition by the petitioners 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