

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(234)

CRM-M No.46309 of 2021
Date of Decision : 15.12.2021

Mohan @ Monu and another

....Petitioners

Versus

State of Punjab and another

.....Respondents

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Harish Mehla, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Himanshu Singh, 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.34 dated 25.03.2021 under Sections 452,324,323,506 and 34 of the Indian Penal Code, registered at Police Station Dhakoli, SAS Nagar 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 03.11.2021 had passed the following order:-

“Case taken up through video conferencing.

The petitioner is seeking quashing of FIR No.34 dated 25.03.2021 under Sections 452, 324, 323, 506 and 34 IPC, registered at Police Station Dhakoli, District SAS Nagar on the basis of compromise (Annexure P2), which has been arrived at between the parties.

Learned counsel for the petitioners contends that it is alleged that the petitioner and other accused had gone to the house of the complainant and

had attacked him. Only simple injuries were caused and the matter has now been compromised. Copy of the compromise is at Annexure P-2.

Issue notice to the respondents.

At the asking of the court, Ms. Rashmi Attri, AAG, Punjab accepts notice on behalf of respondent No.1.

Mr. Himanshu Singh, Advocate has put in appearance on behalf of the complainant/respondent No.2 and states that the matter has indeed been compromised.

List on 10.12.2021.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 11.11.2021. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing. ”

In pursuance to the above mentioned order, a report has come from Sub Divisional Judicial Magistrate, Dera Bassi addressed to the Registrar General of this Court dated 03.12.2021 along with the statements of the accused-petitioner as well as the complainants. The relevant part of the said report is as under :-

“From the above statements, got recorded by the parties, the copy of compromise, placed on record, this Court is of the considered opinion:-

(i) That the compromise effected between the parties is genuine, valid, voluntary without any coercion and under influence.

(ii) That the complaint, herein, was initiated on statement of complainant Suraj Mann only against Mohan @ Monu & Sagar Vashisht and that there are no other affected parties except them.

(iii) As per report of Investigating Officer, none of the accused persons has either absconded or declared proclaimed offender in the present case

Copies of statements and copies of compromise and affidavit alongwith documents are annexed herewith for your kind perusal”

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 Sub Divisional Judicial Magistrate, Dera Bassi 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.34 dated 25.03.2021 under Sections 452,324,323,506 and 34 of the Indian Penal Code, registered at Police Station Dhakoli, District SAS 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.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*