

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(115) CRM-40813-2021 in/and
CRM-M-1666-2021
Date of Decision : December 10, 2021

Ashish Kumar and others .. Petitioners

Versus

State of Punjab and another .. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vishal Thakur, Advocate, for the applicant-petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Baljeet Beniwal, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-40813-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-1666-2021, which now stands adjourned to 27.04.2022.

Notice of the application to the counsel opposite.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State and Mr. Baljeet Beniwal, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant and they have no

objection for the grant of the prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed and hearing the main petition i.e CRM-M-1666-2021 is preponed from 27.04.2022 to today.

CRM-M-1666-2021

In the present petition, the prayer of the petitioners is for quashing of FIR No.182 dated 23.11.2020 registered under Sections 323, 308, 148 and 149 of the IPC at Police Station Bullowal, District Hoshiarpur 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 22.01.2021 had passed the following order:-

“Heard through video conferencing.

The petitioners are seeking quashing of FIR No.182 dated 23.11.2020 under Sections 323, 308, 148, 149 IPC, registered at Police Station Bullowal, District Hoshiarpur on the basis of compromise dated 01.12.2020 (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the petitioners contends that the FIR is an outcome of a sudden altercation between neighbours. Injured have fully recovered from the injuries. With the intervention of the respectables, the matter has been compromised. He has referred to the copy of the compromise which is annexed as Annexure P-2.

Issue notice to the respondents.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab accepts notice on behalf of respondent No.1-State.

Mr. Baljeet Beniwal, Advocate has put in appearance on

behalf of respondent No.2 and states that the matter has indeed been compromised.

List on 01.03.2021.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 03.02.2021. 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.”

A report has come from Judicial Magistrate Ist Class, Hoshiarpur, addressed to the Registrar General of this Court dated 10.02.2021 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 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. The relevant part of the said report is as under:-

“In view of the above order, petitioners/accused No.1 Ashish Kumar, aged 26 years son of Hari Lal, accused no.3 Amanjit Saroj, aged 24 years son of Ram Harkh, all residents of Village and Post Office Bullowal, Tehsil and District Hoshiarpur, accused no. 4 Kuljeet Singh aged 23 years and accused no.5 Rohit Kumar, aged 20 years, both sons of Rachpal Singh, both residents of village Dalamwal, Post Office Bullowal, Tehsil and District Hoshiarpur and respondent/complainant Amninder Pal Singh son of Sh. Bhupinder Pal Singh, R/o Village and Post Office Bullowal, Tehsil and District Hoshiarpur came present along-with with their respective counsels today in the court and statements of

both the parties have been recorded today i.e. on 03-02-2021. After going through the statements of the parties and compromise dated 01-12-2020 Mark C1, it is observed that the matter has been compromised between the parties voluntarily. All the grievances have been settled amicably between the parties without any coercion or undue influence.

It is further submitted that petitioner/accused no.2 Jatin Kumar son of Amrit Lal (minor) through his guardian/father Amrit Lal son of Choba Ram is juvenile and he is not produced before the undersigned and produced before the Juvenile Court, Hoshiarpur for getting his statement recorded as per the order of Hon'ble High Court. Due to this reason, his statement is not recorded by the undersigned.

The report is hereby submitted for your kind consideration and further necessary action, please.”

Learned counsel for the petitioners submits 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 admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Hoshiarpur, 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.182 dated 23.11.2020 registered under Sections 323, 308, 148 and 149 of the IPC at Police Station Bullowal, District Hoshiarpur 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 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, by the petitioners.

December 10, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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