

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

CRM-25367-2021 in /and

CRM-M-37409-2019

Date of Decision : August 20, 2021

Nikhil Gupta

.. Petitioner

Versus

State of Punjab and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anhul Singh, Advocate, for the applicant-petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Mr. Navjot Singh, Advocate, and

Mr. Narinder Singh Lucky, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-25367-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-37409-2019, which now stands adjourned to 09.11.2021.

Notice of the application to the counsel opposite.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State and Mr. Navjot Singh, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the 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-37409-2019 is preponed from 09.11.2021 to today.

CRM-M-37409-2019

In the present petition, the prayer of the petitioner is for quashing of FIR No.241 dated 29.11.2016 registered under Sections 420, 465, 467, 468 and 471 IPC at Police Station Gobindgarh Mandi, District Fatehgarh Sahib 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 05.09.2019 had passed the following order:-

“Present petition under Section 482 Cr.P.C. for seeking quashing of FIR No. 241 dated 29.11.2016, registered under Section(s) 420, 465, 467, 468 & 471 IPC at Police Station Gobindgarh Mandi, District Fatehgarh Sahib on the basis of compromise dated 07.08.2019 (Annexure P2).

Learned counsel for the petitioners contended that the parties have amicably settled their disputes with the intervention of the respectables.

Notice of motion.

On asking of the Court, Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent(s) No. 1. Mr. Narinder S. Lucky, Advocate, who is present in the Court, has put in appearance on behalf of respondent(s) No. 2 and affirmed the fact of compromise effected between the parties.

In view of the matter, the parties are directed to appear before the trial Court/Area Judicial Magistrate on 19.09.2019 for getting their statements recorded with regard to the

compromise arrived at between them.

The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) whether any of the accused was declared proclaimed offender at any stage of trial (iii) status/stage of the trial/case, (iv) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (v) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 23.10.2019.”

A report has come from Sub Divisional Judicial Magistrate, Amloh, addressed to the Registrar General of this Court dated 19.09.2019 along with the statements of the accused-petitioner 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.

Learned counsel for the petitioner 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 the respondent-complainant admits the compromise as well as the statement made before the Sub Divisional Judicial Magistrate 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No.241 dated 29.11.2016 registered under Sections 420, 465, 467, 468 and 471 IPC at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all other subsequent proceedings arising therefrom are quashed qua the petitioner 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 costs, to be deposited with Prabh Asra, Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh by the petitioner.

August 20, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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