

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113) CRM No. 33275 of 2021 in/and
CRM No. M-38399 of 2019
Date of Decision : 12.10.2021

Maan Singh @ Mana Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioners.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab.

Mr. Sanjeev Kumar, Advocate for respondents No. 2 and 3.

Harsimran Singh Sethi J. (Oral)

CRM No. 33275 of 2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-38399-2019, which now stands adjourned to 14.12.2021.

Learned counsel for the applicant-petitioners argues that the present is a case, where the prayer of the applicant-petitioners is for quashing of FIR on the basis of compromise and the statements of the parties have already been recorded by the Court below and the report has been sent to this Court and, therefore, the hearing of the main petition i.e.

CRM-M-38399-2019 may kindly be preponed.

Notice of the application to the counsel opposite.

Ms. Bhavna Gupta, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondent-State and Mr. Sanjeev Kumar, Advocate, who is also present in Court, accepts notice on behalf of respondents No. 2 and 3 and they have no objection for the grant of the prayer as raised in the present application.

Keeping in view the joint request of learned counsel for the parties, the main petition i.e CRM-M-38399-2019 is preponed from 14.12.2021 to today and is taken up for hearing.

CRM-M-38399-2019

In the present petition, the prayer of the petitioners is for quashing of FIR No. 41, dated 26.06.2019, registered under Sections 365, 148 and 149 IPC at Police Station Mattewal, District Amritsar 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 10.09.2019 had passed the following order:-

“This petition has been filed seeking quashing of FIR no. 41 dated 26.06.2019, registered at Police Station Mattewal, District Amritsar, Rural, for the alleged commission of the offences punishable under Sections 365, 148 and 149 of the IPC, (as also all other subsequent proceedings arising therefrom), on the basis of a compromise arrived at between the petitioners and respondents no.2 and 3. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion be issued to the respondents.

On the asking of the Court, Mr. Ajay Pal Singh Gill,

DAG, Punjab, accepts notice on behalf of respondent no.1 and Mr. Sanjeev Kumar, Advocate, appears and accepts notice on behalf of respondents no.2 and 3.

Sufficient number of copies of the petition be handed to them during the course of the day.

Adjourned to 08.01.2020.

In the meanwhile, the petitioners, as also respondents no.2 and 3 would appear before the learned Area Magistrate up to 22.10.2019 to record their statements. That Court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this Court, before the next date of hearing.

That Court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioners.”

In pursuance to the above mentioned order, a report has come from Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar addressed to the Registrar (Judicial) of this Court dated 04.11.2019 along with the statements of the accused-petitioners as well as the complainants, which is as under :-

“5. The report as desired by the Hon'ble High Court is as under :-

1) All the people involved in this case are party to the petition whose consent is required for compromise.

After considering statements of the parties, the

undersigned is of the opinion that said compromise has been entered into in between the petitioners and complainants voluntarily, out of their free will and without any pressure or coercion and the same appears to be genuine one. The copies of statements of the parties and documents are being sent herewith, for kind perusal of the Hon'ble High Court. Hence, this report as per the directions of the Hon'ble High Court.”

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 and 3/complainant admits the compromise as well as the statement made before the Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar 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 petitioners for quashing the FIR on the basis of the compromise.

Thus, the FIR No. 41, dated 26.06.2019, registered under Sections 365, 148 and 149 IPC at Police Station Mattewal, District Amritsar 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 costs, 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.

October 12, 2021
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No