

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118) CRM-32581-2021 in/and
CRM-M-49556-2019
Date of Decision : October 05, 2021

Phulpreet Singh and another .. Petitioners

Versus

State of Punjab and others .. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunny Kumar Singh, Advocate, for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Mahipal Yadav, Advocate, for respondents No. 2 and 3.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-32581-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-49556-2019, which now stands adjourned to 15.11.2021.

Notice of the application to the counsel opposite.

Mr. Ramdeep Partap Singh, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State and Mr. Mahipal Yadav, Advocate, who has also joined the proceedings through video conference, 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 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-49556-2019 is preponed from 15.11.2021 to today.

CRM-M-49556-2019

In the present petition, the prayer of the petitioners is for quashing of FIR No.25 dated 18.03.2019 registered under Sections 381, 411 and 207 of the Indian Penal Code, 1860 at Police Station City-II, Malerkotla, District Sangrur, 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 21.11.2019 had passed the following order:-

“Prayer in this petition is for quashing of FIR No.25 dated 18.03.2019 under Sections 381, 411, 207 IPC, registered at Police Station City-II, Malerkotla, District Sangrur and all the subsequent proceedings arising therefrom, on the basis of compromise.

Notice of motion for 26.03.2020.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent No.1 while Mr. Himanshu Puri, Advocate for Mr. Mahipal Syadav, Advocate has appeared on behalf of respondents No.2 & 3.

Learned counsel for the petitioners is directed to supply a copy of paper book to counsel opposite during course of the day.

In the meantime, parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to compromise/settlement within a period of 30 days from today.

The trial Court/Illaqa Magistrate is directed to submit a report on or before the next date of hearing containing the following information: -

- 1. Number of persons arrayed as accused in FIR,*
- 2. Whether any accused is proclaimed offender, and*
- 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.*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

A report has come from Judicial Magistrate Ist Class, Malerkotla, addressed to the Registrar General of this Court dated 10.01.2020 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.

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 respondents No.2 and 3 admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Malerkotla 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.25 dated 18.03.2019 registered under Sections 381, 411 and 207 of the Indian Penal Code, 1860 at Police Station City-II, Malerkotla, District Sangrur 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 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.

October 05, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No