

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201-A)

CRM No. M-54290 of 2019
Date of Decision : 09.12.2021

Raj Kumar Gupta and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioners.

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

Mr. Piyush Sharma, Advocate for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioners is for quashing of FIR No. 04 dated 05.01.2018, under Section 420 of the Indian Penal Code, 1860, registered at Police Station City-1, Abohar, District Fazilka and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

A Co-ordinate Bench of this Court while issuing notice of motion on 20.12.2019 had passed the following order:-

“The petitioner is seeking quashing of FIR No.04 dated 05.01.2018, under Section 420 IPC registered at Police Station City-I Abohar, Tehsil Abohar, District Fazilka, on the basis of compromise dated 07.12.2019 (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the petitioner contends that the FIR is an outcome of a monetary dispute which has now been resolved and the matter has been compromised. He has referred to the copy of the compromise at Annexure P-2.

Issue notice to the respondents.

At the asking of the Court, Mr. N.K. Banka, DAG, Punjab, accepts notice on behalf of respondent No.1.

Mr. Piyush Sharma, Advocate has put in appearance on behalf of respondent No.2 and states that the matter has indeed been compromised.

List on 07.01.2020.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 17.01.2020. 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, Abohar addressed to the Registrar General of this Court dated 02.03.2020 along with the statements of the accused-petitioners as well as the complainant. The relevant part of the said report is as under :-

“3. In the said back ground keeping in view the statements so suffered by the complainant Ramesh Kumar Sharma and accused Raj Kumar Gupta, it seems that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence.”

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, Abohar 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 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. 04 dated 05.01.2018, under Section 420 of the Indian Penal Code, 1860, registered at Police Station City-1, Abohar, District Fazilka 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.

December 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No