

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-351-2022

Date of Decision :04.02.2022

Bhagirath and others

...Petitioners

Versus

State of Haryana and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nishad Ahuja, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Puneet Kakkar, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed for quashing of FIR No.160 dated 05.05.2021 registered under Sections 147, 149, 323 and 506 of the IPC, 1860 (Section 325 IPC added later on) at Police Station Sanjay Gandhi Memorial Nagar, District Faridabad, on the basis of compromise entered into between the parties.

On 10.01.2022, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 160 dated 05.05.2021 registered under Sections 147, 149, 323 and 506 of the IPC, 1860 (Section 325 IPC added later on) at Police Station Sanjay Gandhi Memorial Nagar, District Faridabad, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in order to live peacefully, parties have entered into compromise on 23.12.2021 (Annexure P- 2), according to which, both the parties have agreed not to proceed further with the FIR in

question.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1.

Mr. Puneet Kakkar, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise. Learned counsel for the parties submit that the case is already fixed before the trial Court tomorrow for recording of the statements of the parties in a cross-version and therefore, the statements in the present case, shall also be recorded tomorrow.

The prayer of the parties is accepted.

Adjourned to 04.02.2022.

To be heard along with CRM-M-50712-2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 11.01.2022 by moving appropriate application or by presenting this order.

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

1. Number of persons arrayed as accused in the FIR;
2. Whether any accused is a proclaimed offender;
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; and
5. The Trial Court is also directed to record the of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.”

A report dated 14.01.2022 has come from Judicial Magistrate,

First Class, Faridabad, addressed to the Registrar General of this Court

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 genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the report is as under:-

“From the statements of both the parties, it comes out that the parties in the present case have compromised the matter with their free will and full senses so that they may live in peace and harmony and to avoid any future conflict/enmity between the parties. So the compromise between the parties appears to be genuine and valid. It is further submitted that there are two victims i.e. Ajit Singh (complainant) and Sajid (injured) in the present FIR and both are party to the compromise. Furthermore, there are five accused in the present FIR and they have not been declared proclaimed person and there is another FIR bearing No.166 dated 8.5.2021 under Sections 323, 324, 34 & 506 of IPC, P.S. Mujessar. pending between both the parties in the nature of cross FIR.

Learned counsel for the petitioners submit 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-complainant admits the compromise as well as the statements made before the Judicial Magistrate, First Class, Faridabad 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 hereinbefore 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, FIR No.160 dated 05.05.2021 registered under Sections 147, 149, 323 and 506 of the IPC, 1860 (Section 325 IPC added later on) at Police Station Sanjay Gandhi Memorial Nagar, District Faridabad and all other 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.15,000/- 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 Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioners.

February 04, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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