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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M- 948-2022
Date of Decision: 28.02.2022**

Harbhajan Singh and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikas Bali, Advocate,
for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Bhisham Kumar Majoka, Advocate,
for respondents No.2 to 4.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed for quashing FIR No.242, dated 23.09.2021, under Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Kamboj, District Amritsar (Rural) and all the subsequent proceedings arising therefrom on the basis of compromise dated 14.12.2021 (Annexure P-2).

Status report is filed on behalf of the State today in the Court.

The same is taken on record.

A co-ordinate Bench of this Court while issuing notice of motion on 01.02.2022 had passed the following order:-

“By way of filing the instant petition, the petitioners have sought indulgence of this Court in quashing of FIR No.242 dated 23.09.2021, registered under Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the

Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) at Police Station Kamboj, District Amritsar Rural and all subsequent proceedings arising therefrom, on the basis of compromise dated 14.12.2021 (Annexure P-2) arrived at between the parties.

Notice of motion.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Mr. Bhisham Kumar Manoj, Advocate puts in appearance on behalf of respondents No. 2 to 4 and admits the factum of compromise effected between the parties.

Since the parties have moved this Court for quashing of the FIR on the basis of the compromise, they are directed to appear before trial Court/Illaq Magistrate on 08.02.2022 or on any other date convenient to the Court, for recording their statements with regard to the genuineness and authenticity of compromise/settlement. Trial Court/Illaq Magistrate is directed to submit a report before the next date of hearing i.e. 28.02.2022 containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is 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 case or not.*
- 5. Whether all the parties named in the FIR have made their statement regarding the compromise.*

6. *Current stage of the case.*

Report of the Illaqa Magistrate/trial Court be awaited for the date fixed.”

A report has come from Judicial Magistrate Ist Class, Amritsar, addressed to the Registrar General of this Court dated 22.02.2022 along with the statements of the accused-petitioners as well as the respondents No.2 to 4, 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 offenders 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 to 4 admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, 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.

Hon'ble Supreme Court of India in its judgment dated 25.10.2021, passed in Criminal Appeal No.1393 of 2011 titled as **“Ramawatar Vs. State of Madhya Pradesh”**, held as under:

“ -- x -- x --

16. On the other hand, where it appears to the Court that the offence in question, although covered under the SC/ST Act, is primarily private or civil in

nature, or where the alleged offence has not been committed on account of the caste of the victim, or where the continuation of the legal proceedings would be an abuse of the process of law, the Court can exercise its powers to quash the proceedings. On similar lines, when considering a prayer for quashing on the basis of a compromise/settlement, if the Court is satisfied that the underlying objective of the Act would not be contravened or diminished even if the felony in question goes unpunished, the mere fact that the offence is covered under a 'special statute' would not refrain this Court or the High Court, from exercising their respective powers under Article 142 of the Constitution or Section 482 Cr.P.C.

-- x -- x --”

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, FIR No.242, dated 23.09.2021, under Sections 3(1)(r), 3(1)(s) and 3(1)(w)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Kamboj, District Amritsar (Rural) is 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 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.

28.02.2022
Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

- 1. Whether speaking/reasoned : Yes
- 2. Whether reportable : No