

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4944-2019

Date of decision : 28.02.2022

Major Singh and others

..... Petitioners

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. J.S. Kang, Advocate
for the petitioners.

Mr. Sandeep Vermani, Addl. A.G. Punjab.

Mr. Vishnu Dutt, Advocate
for respondent No.2.

(Through Video Conferencing)

PANKAJ JAIN, J. (Oral)

By way of present petition, the petitioners are seeking quashing of FIR No.347 dated 07.12.2016 registered under Sections 323, 506, 342, 148 and 149 IPC at Police Station Focal Point, Ludhiana, on the basis of compromise deed dated 25.10.2021 (Annexure P-12).

On 06.01.2022, the following order was passed:-

“The present petition has been moved invoking jurisdiction of this Court under Section 482 Cr.P.C. by the petitioners facing trial in FIR No.347 dated 07.12.2016, registered for offences punishable under Sections 323, 506, 342, 148 and 149 IPC, at Police Station Focal Point, Ludhiana.

On 04.02.2019, following order was passed:-

“Learned counsel for the petitioners submits that a cross FIR was registered

against the complainant for misappropriation of property entrusted to him, but the parties reached an amicable settlement as is recorded in report dated 9.6.2018 submitted by the Deputy Commissioner of Police. Consequently, no FIR was registered against the complainant, but conversely, cancellation report was not filed in the FIR registered against the petitioners, even though in police enquiries, it has been found that the incident of alleged assault never took place. Thus, continuation of the FIR and framing of the charge is abuse of process of the Court.

Notice of motion.

Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of respondent No.1. Let 02 copies of the petition be supplied to him during the course of the day.

Respondent No.2 be served in the ordinary manner.

Adjourned to 8.5.2019.

The State shall file a reply positively on or before the next date of hearing.

Meanwhile, the trial Court is directed to adjourn the case beyond the date fixed before the Court.”

In view of the fact that parties claimed to have entered into compromise(Annexure P12), the parties are directed to appear before the learned Illaqa Magistrate/trial Court on 10.01.2022 to record their statements in respect of the said compromise.

On their doing so, the learned trial Court shall record their statements and furnish its report to this

Court by 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?
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. 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 copy of the report be also sent through fax to the Registrar Judicial of this Court.

Needless to say that in case for any reason the statements are not recorded on the aforesaid date, the learned Illaqa Magistrate/trial Court shall be at liberty to call the parties on any other date but not later than a week thereafter.

Adjourned to 10.02.2022.”

Pursuant to the aforesaid order, report from JMIC, Ludhiana dated 18.01.2022 has been received, which is taken on record. As per the same, the compromise has been found genuine, voluntarily and without any coercion and undue influence.

Mr. Vishnu Dutt, Advocate appears for respondent No.2, admits the fact of parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the petitioners are quashed.

Similarly, learned Additional Advocate General, Punjab has stated no objection in case the FIR is quashed based upon the compromise deed dated 25.10.2021 (Annexure P-12).

Keeping in view the fact that offences punishable under sections 323, 506, 342, 148 and 149 IPC under which the petitioners have been booked are compoundable and compromise has been effected, the present petition is allowed. FIR No.347 dated 07.12.2016 registered under Sections 323, 506, 342, 148 and 149 IPC at Police Station Focal Point, Ludhiana, and all proceedings subsequent thereto are hereby quashed.

(PANKAJ JAIN)
JUDGE

28.02.2022
Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No