

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-17442-2019

Date of Decision :07.03.2022

Gurtej Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Gurvir Kaur Gill, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Gurjant Singh Gill, Advocate
for respondents No.2 and 3

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.143 dated 08.07.2015 registered under Sections 323, 341, 506, 353, 186, 332, 427 of the IPC (Sections 148 and 149 of the IPC added later on) at Police Station Laddowal, District Ludhiana and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 16.11.2019, a Coordinate Bench of this Court had passed the following order:-

“By filing this petition, quashing of FIR No.143
dated 08.07.2015 under Sections
323,341,506,353,186,332,427 IPC (Sections 148 & 149

IPC added later on) registered at Police Station Laddowal and all other consequent proceedings arising therefrom has been sought on the basis of compromise.

Notice of motion.

Ms. Monika Jalota, DAG, Punjab accepts notice on behalf of respondent No.1-State.

Parties may appear before concerned trial Court/Duty Magistrate on 26.11.2019 or on any other date convenient to the said Court and get their statements recorded with regard to the compromise. The original compromise shall be produced before the said Court. In the event of their statements being recorded, the Court will send copies of the same to this Court before the next date of hearing along with his report:

- i) regarding genuineness and voluntary nature of the compromise;
- ii) whether all the accused/petitioners are appearing before the Court or are on bail; and
- iii) whether any other proceeding is pending against the accused/petitioners.

Adjourned to 06.01.2020.”

A report dated 14.12.2019 has come from Judicial Magistrate

1st Class, Ludhiana, 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:-

“In compliance of the order, undersigned has recorded the statements of complainant Jagjiwan Singh son of Ajaib Singh and Ranvir Singh son of Surinder Pal and accused persons namely Gurtej Singh, Salwinder Singh, Maghdeep Singh, Dhian Singh qua the compromise. Parties have also produced in the Court the written compromise Ex.C1. The compromise appears to be genuine, voluntary and without any coercion or undue influence.”

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 the

petitioners further submits that the petition for quashing the FIR in question on the basis of the compromise filed by the co-accused of the petitioners, has already been allowed by a Coordinate Bench of this Court qua those co-accused while passing order in CRM-M-35522-2016 on 31.08.2018.

Learned counsel for respondents No.2 and 3 admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Ludhiana 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.143 dated 08.07.2015 registered under Sections 323, 341, 506, 353, 186, 332, 427 of the IPC (Section 148 and 149 of the IPC added later on) at Police Station Laddowal, District Ludhiana 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.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.

March 07, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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