

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

**CRM-4686-2022 in/and
CRM-M-25636-2021**

Date of Decision: February 17, 2022

Gautam Sharma and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Raj Kumar, Advocate for the petitioners.

Mr. M.S. Narga, AAG, Punjab.

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

CRM-4686-2022

Vide this application, advancement of the date of hearing in the accompanying petition is sought, the petition being one by which the petitioners seek that the FIR in question be quashed on the basis of the compromise reached between them and respondents no.2 to 6.

Notice in the application. Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent-State.

Looking at the fact that the report of the learned JMIC, Dera Bassi, dated 30.09.2021, has been received and an affidavit dated 28.09.2021 has also been filed on behalf of the respondent-State, the application is allowed, the date of hearing in the accompanying petition is advanced to today itself.

Main Case

On 08.07.2021, the following order was passed by this court:-

“Case heard via video conferencing.

By this petition, the petitioners seek quashing, on the basis of a compromise arrived at between them and respondents no. 2 to 6, of FIR no. 166, dated 30.10.2020, registered at Police Station Dhakoli, District S.A.S. Nagar, for the alleged commission of offences punishable under the provisions of Sections 323/341/148/149/427/506 of the IPC, as also all other subsequent proceedings arising therefrom. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of respondent no.1, with Mr. Amit Kumar, Advocate, appearing for respondents no.2 to 6. He will file a power of attorney duly executed by the aforesaid respondents in his favour well before the next date of hearing.

A copy of the petition be emailed to both learned counsel by counsel for the petitioners today itself.

Adjourned to 04.10.2021.

In the meanwhile, the petitioners, as also respondents no. 2 to 6 would appear before the learned trial court/Ilaqa Magistrate upto 26.08.2021 to record their statements. The trial court/Ilaqa Magistrate would satisfy itself/ herself/himself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its/her/his report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

A gazetted officer is directed to file an affidavit stating therein

whether there are any other criminal cases registered against the petitioners, of like nature or otherwise. The MLRs showing the nature of injuries on all injured persons, be also annexed alongwith.”

As per the report of the learned JMIC, the complainant in the FIR (respondent no.2), Yajur Bansal S/o Rajiv Bansal (though referred to as Yajur Singh by the learned Magistrate), as also respondents no.3 to 6, appeared before that court and got recorded their statements that they had voluntarily entered into a compromise on 24.03.2021 with the accused and have no objection if the FIR in question is quashed.

The joint statement of the five petitioners was also recorded in respect of the compromise reached between the parties.

The statement of one Head Constable Gulab Singh was also recorded to the effect that none of the accused had been declared to be proclaimed offender.

As per the opinion of that court, the compromise arrived at between the parties was indeed genuine and voluntary and that there is no other person involved whose consent would be required for quashing of the FIR.

Today, Mr. Amit Chopra, Advocate, appearing for respondents no.2 to 6, reiterates that the compromise reached between the parties still subsists and that there is no other accused involved in the occurrence.

That being so, looking at the nature of the offences alleged to have been committed by the petitioners, and the fact that the matter has been compromised between the petitioners and the complainant, the present petition is allowed and FIR No.166, dated 30.10.2020, registered

at Police Station Dhakoli, District S.A.S. Nagar, for the alleged commission of offences punishable under Sections 323, 341, 148, 427 and 506 of the IPC, along with all proceedings emanating therefrom, is hereby quashed.

February 17, 2022

sarita

(AMOL RATTAN SINGH)

JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No