

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114) CRM No. 6224 of 2022 in/and
CRM No. M-7942 of 2018
Date of Decision : 07.03.2022

Pipal @ Rembo and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kamal Narula, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Munish Gulati, Advocate
for respondent No. 2/complainant.

Harsimran Singh Sethi J. (Oral)

CRM No. 6224 of 2022

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-7942 of 2018, which now stands adjourned to 09.08.2022.

Learned counsel for the applicant-petitioners argues that the present is a case, where the prayer of the applicant-petitioners is for quashing of FIR on the basis of compromise and the statements of the parties have already been recorded by the Court below and the report has been sent to this Court and, therefore, the hearing of the main petition i.e.

CRM-M-7942 of 2018 may kindly be preponed.

Notice of the application to the counsel opposite.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State and Mr. Munish Gulati, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No. 2 and they have no objection for the grant of the prayer as raised in the present application.

Keeping in view the joint request of learned counsel for the parties, the main petition i.e CRM-M-7942 of 2018 is preponed from 09.08.2022 to today and is taken up for hearing.

CRM-M-7942 of 2018

In the present petition, the prayer of the petitioners is for quashing of FIR No. 229 dated 18.08.2017, registered under Sections 323, 324, 34 IPC and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Co-ordinate Bench of this Court on 07.02.2019 had passed the following order:-

“On 31.07.2018 the following order was passed by this Court:

'....CRM-24592-2018

Heard the CRM for amendment of the prayer. With reference to Rapat no. 29 dated 24.06.2018 offences under Section 323/324/34 IPC is found to be made out. Therefore, offence under Sections 307/336/148/149 IPC and Section 25/27/54/59 of the Arms Act is required to be deleted in the present petition.'

In view of the above, let parties appear before the Court of learned Illaqa Magistrate/trial Court on 27.02.2019 to get

their statements recorded with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded statements to this Court before the next date of hearing containing the following information:-

(i) Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?

(ii). Whether the compromise effected between the parties is genuine and valid?

(iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).

(iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.

(v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

List before this Court on 10.04.2019 for further consideration. Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.”

In pursuance to the above mentioned order, a report has come from Chief Judicial Magistrate, Ferozepur addressed to the Registrar of this Court dated 15.03.2019 along with the statements of the accused-petitioners as well as the complainants, which is as under :-

“6. From the aforesaid statements, it is concluded that the statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner and the compromise

effected between the parties is genuine and valid. All the accused and complainant/injured are party to the compromise except accused Khilara Singh, who has already been reported to be dead. It is further submitted that no other case against either of the parties is pending and none of the persons involved in this case/dispute has been declared proclaimed offender.”

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 offender and no other criminal proceedings are pending against them and one of the accused, namely, Khilara has died.

Learned counsel for the petitioners submits that in order to live peacefully, the parties have compromised their dispute and, therefore, the present petition may kindly be allowed and the FIR in question may be quashed on the basis of the compromise, a copy of which has been appended with this petition as Annexure P-2.

Learned counsel for the respondent No. 2/complainant admits the compromise as well as the statement made before the Chief Judicial Magistrate, Ferozepur 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 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-petitioner, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, the FIR No. 229 dated 18.08.2017, registered under Sections 323, 324, 34 IPC 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.15000/- as costs, to be deposited by the petitioners except petitioner No. 6, who has died during the pendency of the petition, with Prabh Aasra (Unit of) 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.

March 07, 2022
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No