

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-37720-2021

Date of Decision :03.02.2022

Rajesh Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumit Sangwan, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Mohit Rana, Advocate for

Mr. Vikrant Rana, Advocate for respondents No.2 to 9.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed for quashing of FIR No. 0125 dated 26.05.2021 registered under Sections 147, 148, 149, 323, 506 of the Indian Penal Code, 1860 (Section 325 IPC added later on) at Police Station Dadri Sadar, District Charkhi Dadri, on the basis of compromise entered into between the parties.

On 13.09.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 0125 dated 26.05.2021 registered under Sections 147, 148, 149, 323, 506 of the Indian Penal Code, 1860 (Section 325 IPC added later on) at Police Station Dadri Sadar, District Charkhi Dadri, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in order to live peacefully, parties have entered into compromise on 04.09.2021, according

to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No. 1

Mr. Vikrant Rana, Advocate, has appeared in the Court and filed his power of attorney and accepts notice on behalf of respondents No.2 to 9. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 29.10.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 04.10.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information: -

1. Number of persons arrayed as accused in the FIR;
2. Whether any accused is a 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 FIR or not; and
5. The Trial Court is also directed to record the of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.”

A report dated 21.10.2021 has come from Additional Chief

Judicial Magistrate, Charkhi Dadri, 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:-

- 1.“ There are total seven accused persons namely Rajesh Kumar, Attar Singh, Devender, Raj Kapoor, Sunil Kumar, Vikash Kumar and Bhupender in the instant FIR.
2. None for the accused persons is a proclaimed offender in any other criminal case as per report of DSP (HQ), Charkhi Dadri.
- 3.Both the parties have appeared before the undersigned and they have made their statements to have entered a compromise with their own sweet will and without any pressure.
4. The accused persons are not involved in any other FIR as per statement of Investigating Officer, except one case u/s 13 of Gambling Act is pending against accused Rajesh son of Subh Ram'
5. The Investigating Officer, ASI Jogender Singh has also appeared before the undersigned and made a statement that there are seven victims/complainant in this case i.e Parveen, Kamla, Sushma, Suraj, Sombir, Jyoti and Sanjay.”

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 respondents No.2 to 9 admits the compromise as well as the statements made before the Additional Chief Judicial Magistrate, Charkhi Dadri 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, this Court is

inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.0125 dated 26.05.2021 registered under Sections 147, 148, 149, 323, 506 of the Indian Penal Code, 1860 (Section 325 IPC added later on) at Police Station Dadri Sadar, District Charkhi Dadri and all other 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.

February 03, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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