

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M-40806-2021

Date of Decision :03.02.2022

Jagjeet Singh @ Jagga @ Jagdeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bikramjit Singh Baath, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Ms. Gurkirat Kaur, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed for quashing of FIR No. 0186 dated 17.11.2020 registered under Sections 452, 323, 506, 148 and 149 of the IPC at Police Station Khamanon, District Fatehgarh Sahib on the basis of compromise entered into between the parties.

On 29.09.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 0186 dated 17.11.2020 registered under Sections 452, 323, 506, 148 and 149 of the IPC at Police Station Khamano, District Fatehgarh Sahib on the basis of compromise entered into between the parties.

Learned counsel for the petitioner argues that in order to live peacefully, parties have entered into compromise on 15.09.2021(P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the

proceedings through video conference, accepts notice on behalf of respondent No.1.

Ms. Gurkirat Kaur, Advocate and Mr. Rajesh Kumar, Advocate, who have also joined the proceedings through video conference, accept notice on behalf of respondent No.2. They admit 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 07.12.2021.

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 27.10.2021 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 21.12.2021 has come from Sub Divisional Judicial Magistrate, Khamanon, addressed to the Registrar General of this Court along with the statements of the accused-petitioner 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:-

“Sir after going through their statements recorded by the accused Jagjeet Singh @ Jagga @ Jagdeep Singh and the complainant namely Sukhwinder Singh, I am of the view that there is only one accused namely Jagjeet Singh @ Jagga @ Jagdeep Singh in this case. Said accused has never been declared proclaimed offender at any stage of trial and he is not involved in the other case/FIR. There is only one complainant namely Sukhwinder Singh in the present FIR and both the complainant and accused are parties to the compromise in question. After going through the statements of the complainant and accused, it seems that a genuine and true compromise has been entered into between these parties and the same is voluntary, without any pressure or undue influence and out of their own free will.”

Learned counsel for the petitioner 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 respondent No.2 admits the compromise as well as the statements made before the Sub Divisional Judicial Magistrate, Khamanon 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 there are no other criminal cases pending 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, FIR No.0186 dated 17.11.2020 registered under Sections

452, 323, 506, 148 and 149 of the IPC at Police Station Khamanon, District Fatehgarh Sahib and all other proceedings arising therefrom are quashed qua the petitioner 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 petitioner.

February 03, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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