

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

233

CRM-M-41481-2021
Date of Decision :10.02.2022

Gursewak Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Janak Singh Bhinder, Advocate for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Jagmeet Singh Moudgil, 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.243 dated 21.08.2019 registered under Sections 323, 324, 506, 341, 148 and 149 of the IPC at Police Station Bhawanigarh, District Sangrur and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 04.10.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 243 dated 21.08.2019 registered under Sections 323, 324, 506, 341, 148 and 149 of the Indian Penal

Code, 1860 at Police Station Bhawanigarh, District Sangrur, 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 03.01.2020 (Annexure 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.

Mr. Puneet Sharma, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondents No.2 and 3. 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 03.12.2021.

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 28.10.2021 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 statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainants as well as accused are party to the compromise in question.*

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

A report dated 14.01.2022 has come from Additional Chief

Judicial Magistrate Sangrur, addressed to the Registrar General of this

Court dated 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:-

“After recording the statements and after pursuing the record, it is apparent that there are thirteen accused persons namely Gursewak Singh, Manpreet Singh, Gurdhyan Singh, Rajwinder Singh, Gurjeet Singh, Satar Khan, Rangi, Jecky, Narinder Singh Jagtar Singh, Balvir Singh, Narain Singh and Davinder Pal Singh in the present case and none of them has been declared proclaimed offender. The compromise has been effected between the parties, which seems to be genuine, voluntary and without any pressure, coercion or undue influence. Further, it is clear from the statements of accused persons and statement of investigating officer that the accused persons are not involved in any other FIR. Complainant/respondents/victims and petitioners/accused persons appeared and made their statement regarding compromise. Hence, the report is hereby submitted as desired by Hon'ble Punjab and Haryana High Court, Chandigarh. The report alongwith the copies of the statements of the parties and copies of identity proofs is submitted accordingly.”

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 respondent No.2-complainant admits the compromise as well as the statements made before the Additional Chief Judicial Magistrate, Sangrur 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.243 dated 21.08.2019 registered under Sections 323, 324, 506, 341, 148 and 149 of the IPC at Police Station Bhawanigarh, District Sangrur 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.

February 10, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No