

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(238)

CRM -M -45535-2021

Date of Decision : February 14, 2022

Vikas Batla

.. Petitioner

Versus

State of Punjab and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vaibhav Narang, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Vibhu Walia, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioner is for quashing of FIR No.73 dated 27.06.2016 registered under Sections 406 and 420 of the IPC at Police Station Phase 11, District SAS Nagar and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

This Court while issuing notice of motion on 09.12.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No.73 dated 27.06.2016 (Annexure P-1) registered under Sections 406 and 420 of the IPC at Police Station Phase 11, District S.A.S. Nagar as well as all the consequential

proceedings arising therefrom 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 01.10.2021(Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent No.1-State.

Mr. Vibhu Walia, Advocate accepts notice on behalf of respondent No.2-complainant. He does not dispute the above said compromise, which has been arrived at between the parties, according to which complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 14.02.2022.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement dated 01.10.2021 (P-2) on 06.01.2022 by moving an 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/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 has come from Additional Chief Judicial Magistrate, SAS Nagar, Mohali, addressed to the Registrar General of this Court dated 12.01.2022 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 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. The relevant part of the said report is as under:-

“The report in compliance of order dated 09.12.2021 passed by Hon'ble Punjab and Haryana High Court in CRM-M-45535-2021 is as under”-

1) As per statement of Investigating Officer ASI Nirmal Singh, there is only one accused in the present FIR namely Vikas Batla.

2) As per statement of Investigating Officer ASI Nirmal Singh, initially Vikas Batla was declared proclaimed offender in this FIR thereafter, he was arrested.

3) In view of the statement of the parties appeared before the undersigned, the compromise effected between the parties seems to be genuine, voluntarily and without any coercion or undue influence.

4) As per statement of Investigating Officer ASI Nirmal Singh, in the present case there is only one victim/complainant i.e. Satnam Singh.

Submitted please.”

Learned counsel for the petitioner submits 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 statement made before the Additional Chief Judicial Magistrate, SAS Nagar Mohali 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 petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No.73 dated 27.06.2016 registered under Sections 406 and 420 of the IPC at Police Station Phase 11, District SAS Nagar and all other subsequent 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.15000/- 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 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 by the petitioner.

February 14, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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