

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

236

**CRM-M-46771-2021
Date of Decision :10.01.2022**

Jaspal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Harsh Raheja, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.30 dated 20.02.2019 registered under Section 420 of the IPC at Police Station Lambi, District Shri Muktsar Sahib and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 08.11.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 30, dated 20.02.2019, registered under Section 420 IPC at Police Station Lambi, District Shri Muktsar Sahib, on the basis of compromise dated 11.10.2021 (Annexure P-2) entered into between the parties.

Learned counsel for the petitioners argues that in order to live peacefully, parties have entered

into compromise on 11.10.2021, 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 is present in Court, accepts notice on behalf of respondent No. 1.

Mr. Harsh Raheja, Advocate, who is also present in Court, accepts notice on behalf of respondent No. 2. 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 10.01.2022.

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 02.12.2021 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 24.12.2021 has come from Judicial Magistrate First Class, Gidderbaha 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, however, other cases are pending against

the petitioner-accused. The relevant portion of the report is as under:-

“The Court of undersigned has made the report as desired:-

1. Only one person arrayed as accused in FIR.
2. No accused has been declared proclaimed offender.
3. The compromise is genuine, voluntarily and without any coercion or undue influence between complainant Sudhir Kumar and accused Jaspal Singh.
4. It is pertinent to mention here that as per the statement of ASI Harwinder Singh, Investigating Officer, FIR No.101/2018 under Sections 447, 427, 506, 148, 149 IPC Police Station City Malout and FIR No.211/2018 under Sections 384, 511, 506, 467, 468, 115, 302 IPC Police Station City Malout are pending against accused Jaspal Singh.
5. There is only one victim/complainant in the present FIR, who is respondent in quashing petition filed by the accused before the Hon'ble High Court. Except him here is no other victim/complainant in the present FIR.”

Learned counsel for the petitioner submits that the allegations alleged against the petitioner in the other cases are yet to be proved during the course of trial and those cases have no bearing on the present case and in the present case, as the petitioner has already paid the amount in dispute to the complainant and parties have already entered into compromise so as to live peacefully, no useful purpose will be served in keeping the FIR alive, therefore, the same may kindly be quashed.

Learned counsel for respondent No.2-complainant admits the compromise as well as the statements made before the Judicial Magistrate First Class, Gidderbaha 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, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.30 dated 20.02.2019 registered under Section 420 of the IPC at Police Station Lambi, District Shri Muktsar Sahib 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.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.

January 10, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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