

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-50676-2021

Date of Decision :03.02.2022

Harinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ajeet Pal Singh Pakka, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Arshdeep Singh Sra, Advocate for

Mr. Rao Ajender Singh, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed for quashing of FIR No.320 dated 25.12.2018 registered under Section 420 of the IPC at Police Station Raman, District Bathinda and all other proceedings arising therefrom on the basis of compromise entered into between the parties.

On 03.12.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No.320 dated 25.12.2018 registered under Section 420 of the IPC at Police Station Raman, District Bathinda and all other 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 14.09.2021, 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 has joined the proceedings through video conference, accepts notice on behalf of respondent No.1-State.

Mr. Rao Ajender Singh, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2 and files his *Vakalatnama*. 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 said compromise.

Adjourned to 03.02.2022.

In the meantime, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statement with regard to the compromise/settlement on 22.12.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaqa 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 06.01.2022 has come from Sub Divisional

Judicial Magistrate, Talwandi Sabo, 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:-

“It is further submitted that statement of SI Gagandeep Kaur No.109/BTRT, Investigating Officer in the present FIR, has also been recorded on 04.01.2022. As per the statement of Investigating Officer, there is one accused in the present FIR namely, Harinder Singh son of Didar Singh resident of Gulzar Singh, Dhuddianwal, near RFC Kapurthala, who are the petitioner in the present petition. None of the accused is declared proclaimed offender and accused/petitioner is not involved in any other FIR. As per the statement of the Investigating Officer, in the present FIR, there is only one victim/complainant namely, Sukhjeet Kaur widow of Chaggar Singh, resident of Village Kotbakhtu, District Bathinda. It is further submitted that in the present FIR, victim/complainant and accused are party to the compromise in question.

It is further submitted that as per the statements of the parties the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence.”

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, Talwandi Sabo and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel though, 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 but, submits that after the investigation, the Investigation Agency has already filed a cancellation report before the competent Court of law for its consideration.

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.320 dated 25.12.2018 registered under Section 420 of the IPC at Police Station Raman, District Bathinda 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