

222-2

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

CRM-M-52359-2021

Date of decision: 18.02.2022

Tarsem Singh and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Pankaj Garg, Advocate
for the petitioners.

Mr. Sandeep Vermani, Addl. Advocate General, Punjab
for respondent No.1/State.

Mr. Shadab Ahmad, Advocate
for respondents No.2 to 8.

PANKAJ JAIN, J. (ORAL)

The petitioners have approached this Court seeking quashing of FIR No.16 dated 08.04.2012, under Sections 323, 324, 452, 148 & 149 of the Indian Penal Code, 1860, registered at Police Station Kot Dharmu, District Mansa (Annexure P-1) on the basis of Compromise Deed dated 19.10.2021 (Annexure P-2) .

2. On 15.12.2021, the following order was passed:-

“In this Petition, the Petitioners, who are the accused persons in FIR No.16 dated 08.04.2012, under Sections 323, 324, 452, 148 & 149 of the Indian Penal Code, 1860, registered at Police Station Kot Dharmu, District Mansa (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom, on the basis of compromise.

Ld. Counsel for the Petitioners refers to the Compromise Deed, Annexure P-2, and states that the matter has been amicably settled between the parties.

Notice of motion.

On asking of the Court, Mr. S.S. Cheema, AAG, Punjab accepts notice on behalf of Respondent No.1/State. A copy of the paper-book be handed over to him.

At this stage, Mr. Shadab Ahmad, Advocate has appeared and filed Power of Attorney on behalf of Respondents No.2 to 8 and admits the factum of compromise.

In view of the matter, the parties shall appear before the Ld. Trial Court/Illaq Magistrate on 13.01.2022 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

For awaiting Report, to come up on 18.02.2022.”

3. In pursuant to the aforesaid order, report has been received from Additional Chief Judicial Magistrate, Mansa, who has reported as under :-

“On the basis of the statements of the parties recorded in the Court, it is submitted that the compromise between the parties appears to be genuine, having been entered at their own sweet will and without any kind of undue influence or coercion. As per their statements recorded in the Court, there is no other FIR registered by the respondents No.2 to 6

against the petitioners nor the petitioners have been declared Proclaimed Offenders in this case. It is also submitted that no final report has been presented by the Investigating Agency till date nor any special report has been received till date, therefore, in absence of any material with the Court, no definite number and names of culprits/offenders/accused can be reported.”

4. Learned counsel appearing for respondents No.2 to 8 admits the fact of the parties having compromised and states that he has no objection in case the FIR and all proceedings subsequent thereto against the present petitioners are quashed.

5. Similarly, learned Additional Advocate General, Punjab has stated no objection in case the FIR is quashed based upon the compromise (Annexure P-2).

6. Keeping in view the aforesaid facts, the present petition is allowed. FIR No.16 dated 08.04.2012, under Sections 323, 324, 452, 148 & 149 of the Indian Penal Code, 1860, registered at Police Station Kot Dharmu, District Mansa (Annexure P-1) and all proceedings subsequent thereto are hereby quashed *qua* the present petitioners.

February 18, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No