

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(225) CRM-M-52384-2021
Date of Decision : February 23, 2022

Pardeep Kumar and others .. Petitioners

Versus

State of Haryana and another .. Respondents

(225-A) CRM-M-50967-2021

Sushil and others .. Petitioners

Versus

State of Haryana and another .. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sawan Kumar, Advocate, for the petitioners,
(in CRM-M-52384-2021) and for respondent No.2,
(in CRM-M-50967-2021).

Mr. Warir Singh, Advocate, for the petitioners,
(in CRM-M-50967-2021) and for respondent No.2
(in CRM-M-52384-2021).

Mr. Karan Garg, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

By this common order, two petitions are being disposed of as

these petitions arise of the same incident.

Present two petitions, which have been filed for quashing of FIR No. 463 dated 17.07.2021 registered under Sections 148, 149, 323, 341, 365, 379-B and 506 of the IPC (Sections 325 & 34 IPC added later) at Police Station Chandnibagh, District Panipat as well as the cross case being FIR No.464 dated 17.07.2021 registered under Sections 148, 149, 323, 341, 365, 379-B, 506 of the IPC (Sections 365 and 379-B deleted later on during investigation) at Police Station Chandnibagh, District Panipat 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 17.12.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 463 dated 17.07.2021 registered under Sections 148, 149, 323, 341, 365, 379-B and 506 of the IPC (Sections 325 & 34 IPC added later) at Police Station Chandnibagh, District Panipat, 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 30.08.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Gaurav Bansal, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent No. 1.

Mr. Wazir Singh, Advocate, who is also present in the 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 23.02.2022.

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 10.01.2022 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 has come from Additional Chief Judicial Magistrate, Panipat, addressed to the Registrar General of this Court dated 18.01.2022 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 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:-

“ Point wise, information pertaining to the present case is:

i) three persons were arrayed as accused in the present FIR who appeared before the undersigned to get their statements recorded;

ii) none of the accused is declared as proclaimed offender;

(iii) yes, compromise between the parties appears to be genuine, voluntarily and without any coercion or undue influence as evident from the statements of both the parties;

(iv) as per statement of accused persons, they are not involved in any other case/FIR and

(v) Statement of investigating officer was recorded as per which Sections 365 and 379B read with Section 149 of Indian Penal Code and Section 148 of Indian Penal Code were deleted during investigation. There is one complainant namely Sushil son of Satish, four victims namely Shivam, Vishu, Mohit and Sonu in the present case and three accused persons namely Sunil, Pardeep and Sonu Bansal. The complainant, injured/victims and accused persons have appeared before this Court for recording of their statements.

The requisite report is being submitted please.”

Learned counsel appearing for the respective parties submits that the parties to the dispute have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR No.463 dated 17.07.2021 as well as cross case being FIR No.464 dated 17.07.2021 alive, hence, the same may kindly be quashed on the basis of

said compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR No.463 dated 17.07.2021 as well as cross case FIR No.464 dated 17.07.2021 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-petitioners, this Court is inclined to accept the joint prayer of the parties for quashing the FIR No.463 dated 17.07.2021 as well as cross case FIR No.464 dated 17.07.2021 on the basis of the compromise.

Thus, the FIR No. 463 dated 17.07.2021 registered under Sections 148, 149, 323, 341, 365, 379-B and 506 of the IPC (Sections 325 & 34 IPC added later) at Police Station Chandnibagh, District Panipat as well as the cross case being FIR No.464 dated 17.07.2021 registered under Sections 148, 149, 323, 341, 365, 379-B, 506 of the IPC (Sections 365 and 379-B deleted later on during investigation) at Police Station Chandnibagh, District Panipat and all other subsequent proceedings arising therefrom are quashed qua the petitioners in view of their respective petitions, on the basis of compromise entered into between the parties.

The above order, quashing of FIR No.463 dated 17.07.2021 as well as cross case FIR No.464 dated 17.07.2021, will be subject to the payment of Rs.15000/- as costs in each petition by the petitioners, 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.

February 23, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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