

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(222)

CRM No. M-53200 of 2021  
Date of Decision : 22.02.2022

Krishan Dev and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Tejinderbir Singh, Advocate for the petitioners.

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

Mr. Parmanand Sharma, Advocate  
for respondent No. 2/complainant.

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**Harsimran Singh Sethi J. (Oral)**

In the present petition, the prayer of the petitioners is for quashing of FIR No. 118 dated 09.11.2021 registered under Sections 447, 379 and 506 of the IPC, 1860 at Police Station Chhajali, District Sangrur 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 20.12.2021 had passed the following order:-

*“Present petition has been filed for quashing of FIR No. 118 dated 09.11.2021 registered under Sections 447, 379 and 506 of the IPC, 1860 at Police Station Chhajali, District Sangrur, 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 30.11.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question.*

*Notice of motion.*

*Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1.*

*Respondent No.2-Mr. Parmanand Sharma, appears in the Court. 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 22.02.2022.*

*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.”*

In pursuance to the above mentioned order, a report has come from Judicial Magistrate Ist Class, Sunam addressed to the Registrar General of this Court dated 13.01.2022 along with the statements of the accused-petitioners as well as the complainant. The relevant part of the said report is as under :-

*“As per the record available with the Court of undersigned and as per the statement of the complainant, all the accused persons and investigating officer, there are five accused persons namely (1) Krishan Dev aged about 52 years son of Vasdev Sharma (2) Kuldeep Kumar aged about 35 years son of Rajinder Kumar (3) Lovepreet Kumar aged about 26 years son of Rampal (4) Kulwinder Sharma aged about 23 years son of Rampal, all residents of Village Chhajla, District Sangrur and (5) Sukhwinder Ram @ Sudama aged about 53 years son of Harbans Lal, resident of Village Farwahi, District Mansa and none of the accused persons have been declared as proclaimed offender in the present FIR and none of the accused persons are involved in any other criminal case. On the basis of statements given by the complainant and the accused persons, this Court is of the considered view that compromise between the parties is genuine, voluntarily and out of free will and is effected without any pressure, coercion or undue influence from any quarter. As per the record available with the court of undersigned and as per the statement of the*

*investigating officer, there is only one complainant/victim namely Parmanand Sharma son of Rameshwar Dass, resident of opposite State Bank of India, Patiala Road, Sunam, District Sangrur in the present FIR and the complainant/victim namely Parmanand Sharma as well as accused persons namely Krishan Dev, Kulwinder Sharma, Lovepreet Kumar, Sukhwinder Ram @ Sudama and Kuldeep Kumar are party to the compromise in question”*

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.

Learned counsel for the petitioners submits that in order to live peacefully, the parties have compromised their dispute and, therefore, the present petition may kindly be allowed and the FIR in question may be quashed on the basis of the compromise, a copy of which has been appended with this petition as Annexure P-2.

Learned counsel for the respondent No. 2/complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Sunam 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-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, the FIR No. 118 dated 09.11.2021 registered under Sections 447, 379 and 506 of the IPC, 1860 at Police Station Chhajali, District Sangrur and all other subsequent proceedings arising therefrom are quashed qua the petitioners 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 by the petitioners 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 22, 2022**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*