

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(240)

CRM -M -53805-2021

Date of Decision : February 14, 2022

Harjinder Singh

.. Petitioner

Versus

State of Punjab and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Singh, Advocate, for the petitioner.

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

Mr. Ankit Kharbanda, Advocate, for respondents No.2 & 3.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioner is for quashing of FIR No.132 dated 05.09.2019 registered under Sections 323, 324, 325 and 326 of the IPC, 1860 at Police Station Sadar, Ludhiana 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 22.12.2021 had passed the following order:-

“Present petition has been filed for quashing of FIR No. 132 dated 05.09.2019 registered under Sections 323, 324, 325 and 326 of the IPC, 1860 at Police Station Sadar, Ludhiana, 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 17.03.2020 (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.

Mr. Ankit Kharbanda, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondents No.2 and 3. 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 14.02.2022.

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 20.01.2022 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 Judicial Magistrate Ist Class, Ludhiana, addressed to the Registrar General of this Court dated 02.02.2022 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 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:-

“Respected Sir, based upon the aforesaid material made available on record, the report, as sought for by the Hon'ble High Court is as under:-

1) As per the information furnished by Investigating Officer of this case, only one person was arrayed as accused in the FIR.

2) As per the statement of Investigating Officer and as per the report of SHO PS Sadar, Ludhiana, the accused person namely Harjinder Singh has never been declared as Proclaimed Offender by any Court of law in any case.

3) From the statement so suffered by both the parties, i.e., the complainant namely Manpreet Kaur & injured Sharanjit Kaur and accused named in the FIR namely Harjinder Singh, it appears that they have, in fact, entered into a compromise, which is voluntarily in nature and is free from any coercion, pressure or threat. Compromise deed is also on the judicial file which is Ex.C2.

4) As per the report of SHO P.S. Sadar, Ludhiana, duly submitted by MHC Davinderjeet Singh, accused person namely

Harjinder Singh is not involved in any other FIR.

5) As directed, this Court had accordingly recorded the statement of Retd. ASI Satish Kumar and MHC Davinderjeet Singh and as per their separate statements, there was one complainant in this case namely Manpreet Kaur and one injured namely Sharanjit Kaur. It is further submitted that all the victims/complainants as well as accused are party to the compromise in question.

Report is submitted as desired for your kind consideration please.”

Learned counsel for the petitioner submits 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 respondents No.2 and 3 admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Ludhiana 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-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

Thus, the FIR No.132 dated 05.09.2019 registered under Sections 323, 324, 325 and 326 of the IPC, 1860 at Police Station Sadar,

Ludhiana 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.15000/- 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 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 by the petitioner.

February 14, 2022*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No