

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(223)

CRM No. M-54245 of 2021  
Date of Decision : 22.02.2022

Jai Singh and another

...Petitioners

Versus

State of Haryana and another

...Respondents

(Through Video Conferencing)

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

Present: Mr. Anshul Gupta, Advocate for the petitioners.

Mr. Karan Garg, Assistant Advocate General, Haryana

Mr. Pranav Chadha, 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. 0212 dated 07.08.2018 registered under Sections 323, 34, 452 and 506 of the IPC at Police Station Pinjore, District Panchkula 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 23.12.2021 had passed the following order:-

*“Present petition has been filed for quashing of FIR No. 0212 dated 07.08.2018 registered under Sections 323, 34, 452 and 506 of the IPC at Police Station Pinjore, District Panchkula, 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 10.10.2018 (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. Pranav Chadha, 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 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 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.”*

In pursuance to the above mentioned order, a report has come from Judicial Magistrate Ist Class, Kalka addressed to the Registrar General of this Court dated 28.01.2022 along with the statements of the accused-petitioners as well as the complainant. The relevant part of the said report is as under :-

*“xxxxxx Thereafter, joint statement of accused namely Jai Singh & Krishan Kumar was recorded separately to this effect that in present FIR they are accused persons & no other person is accused other than them. They are never declared proclaimed offender by any Hon'ble Court. They have seen compromise dated 10.10.2018 Annexure A1 on file which was entered between them without any pressure and is true and correct. Further stated that except the present FIR no other FIR or case is pending against them in any court and their affidavits are Ex. A2 & Ex. A3 which are true and correct. Statement of both the parties recorded separately.*

*Statement of I.O. HC Vikrant recorded separately to this effect that he is I.O. in present FIR and there are only two accused namely Jai Singh @ Krishan Kumar in present case. Further stated that Ashlam Chauhan is only injured/aggrieved in present case. Further stated that accused persons have never been declared proclaimed offender in present FIR & challan against them have already being presented in the court.*

*It is submitted that after going through the statement made by the complainant and accused, this Court is satisfied that the statements regarding the compromise is made by them out of their own free-will and without any fear, threat or coercion from any side. The compromise also appears to be voluntarily in nature.”*

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, Kalka 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. 0212 dated 07.08.2018 registered under Sections 323, 34, 452 and 506 of the IPC at Police Station Pinjore, District Panchkula 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**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*