

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226)

CRM-M-53870-2021

Date of Decision : February 23, 2022

Rajwant Kaur

.. Petitioner

Versus

State of Punjab and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

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

Mr. Maan Akashdeep Singh, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioner is for quashing of FIR No.0026 dated 09.02.2020 (Annexure P-1) registered under Sections 420 and 34 of the IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014 at Police Station B Division, District Commissionerate Amritsar 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.0026 dated 09.02.2020 (Annexure P-1) registered under Sections 420 and 34 of the IPC and Section 13 of the Punjab

Travel Professionals (Regulations) Act, 2014 at Police Station B Division, District Commissionerate Amritsar, on the basis of compromise entered into between the parties.

Learned counsel for the petitioner submits that in order to live peacefully, parties have entered into compromise on 17.11.2021 (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, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent No.1-State.

Mr. Maan Akashdeep Singh, Advocate accepts notice on behalf of respondent No.2-complainant. He does not dispute the above said compromise, which has been arrived at between the parties, according to which complainant does not wish to press the allegations alleged in the FIR any further.

Adjourned to 23.02.2022.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement dated 17.11.2021 (P-2) on 20.01.2022 by moving an 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/complainant as well as accused are party to the compromise in question.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.”

A report has come from Civil Judge (Jr. Division)-cum-Judicial Magistrate Ist Class, Amritsar, addressed to the Registrar General of this Court dated 22.02.2022 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:-

“ 2. In view of above said reasons and as well as in compliance of order dated 23.12.2021, passed by Hon'ble High Court in CRM-M-53870-2021, statement of complainant namely Sarvjeet Kaur has been recorded in FIR No.26 dated 9.2.2020 P.C. B-Divn, Amritsar. As per her statement, she has effected the compromise with the accused voluntarily and without any misrepresentation, threat, coercion or duress. She has also placed before court copy of her adhar card as Mark-A.

3. Accused Rajwant Kaur has also got recorded her statement and she has also stated that with the intervention of respectables, compromise has been effected and that parties have decided to enter into same without any misrepresentation, undue influence or threat. They undertook to remain bound by their statements. As a mark of identity, Rajwant Kaur had placed on record copy of their adhar cards

as Mark-B.

4. *Statement of Investigating Officer Asi/IO Kulwinder Singh 1310/ASR, presently posted at PS B-Divn, Amritsar has also been recorded to the effect that FIR was registered by Sarvjeet Kaur against accused Rajwant Kaur and Gagandeep Kaur and there are two accused persons namely Rajwant Kaur and Gagandeep Kaur age 32 years d/o Rajwant Kaur are involved in the present FIR or occurrence. He further stated that except these two accused no other accused is involved in present FIR and that no person has been declared as proclaimed person in present FIR. He also submitted that challan in the present case against aforesaid accused person has not been presented till date and except present FIR, accused persons are not involved in any other case. He also stated that there is only only Complainant/victim i.e. Sarvjeet Kaur is involved in present FIR and except Sarvjeet Kaur no other victim is involved in present FIR. Sarvjeet Kaur complainant and accused Rajwant Kaur are party to the compromise in question. However accused Gagandeep Kaur d/o Rajwant Kaur is not party to compromise in question.*

5. *From the statement of complainant Sarvjeet Kaur and Rajwant Kaur so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.*

6. *Kindly find enclosed herewith photocopies of statements of the complainant, accused, photo copies of their aadhar cards and photocopy of statement of ASI Kulwinder Singh 1310/ASR, presently posted at PS B-Divn, Amritsar.*

7. *The report with regard to compromise on the basis of statement of the parties along with statements of the parties, as directed by the Hon'ble High Court, is accordingly being submitted for perusal by His Lordship 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 respondent No.2-complainant admits the compromise as well as the statement made before the Civil Judge (Jr. Division)-cum- Judicial Magistrate Ist Class, Amritsar 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.0026 dated 09.02.2020 (Annexure P-1) registered under Sections 420 and 34 of the IPC and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014 at Police Station B Division, District Commissionerate Amritsar 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 23, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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