

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232

CRM-M-54448-2021

Date of Decision :07.03.2022

Tarsem Singh Mann @ Sony Mann
and another

...Petitioners

Versus

State of Punjab and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.K. Singla, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Prince Pushpinder Rana, Advocate
for respondents No.2 and 3

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.89 dated 11.10.2017 registered under Sections 458, 323, 506, 427, 148 and 149 of the IPC at Police Station Cheema, District Sangrur and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 05.01.2022, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No.89 dated 11.10.2017 registered under Sections 458, 323, 506, 427, 148 and 149 IPC at Police Station Cheema, District Sangrur (Annexure P-1), 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 20.12.2021 (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, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Mr. Prince Pushpinder Rana, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2 & 3. 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 07.03.2022.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statement with regard to the compromise/settlement dated 20.12.2021 (P-2) on 09.02.2022 by moving an appropriate application or by presenting this order.

The Trial Court/Illaqa 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 dated 21.02.2022 has come from Judicial Magistrate

1st Class, Sunam, addressed to the Registrar General of this Court 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 genuine, voluntary and without any coercion or undue influence and none of the accused has been declared as proclaimed offender and no

other criminal proceedings are pending against them. The relevant portion of the report is as under:-

“As per the record available with the Court of undersigned and statement of the Investigating Officer, FIR was registered against five accused persons namely Tarsem Singh Mann @ Sony Mann, Kuldeep @ Shanty, Gurtej Singh, Amritpal @ Noni and Kulwinder Singh @ Golu. However, the report under Section 173 Cr.P.C was presented against only two accused persons namely Tarsem Singh Mann @ Sony son of Ram Singh and Kuldeep Singh @ Shanty son of Darshan Singh and the remaining accused persons were mentioned in column no.2 of the report under Section 173 Cr.P.C as they were found innocent during investigation. Further, no accused is absconding/PO, in the present case. On the basis of statements given by the accused persons, the complainant and the eye witness, this Court is of the considered view that compromise effected between the parties is genuine and is effected voluntarily without any pressure, coercion or undue influence from any quarter. There is one complainant namely Lakhwinder Singh, an eye witness namely Prem Pal and 2 accused persons namely Tarsem Singh Mann @ Sony Mann and Kuldeep Singh @ Shanty, who are all party to the compromise in question.”

Learned counsel for the petitioners submit 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 statements made before the Judicial Magistrate 1st 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 hereinbefore 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, FIR No.89 dated 11.10.2017 registered under Sections 458, 323, 506, 427, 148 and 149 of the IPC at Police Station Cheema, 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.15,000/- 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 Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioners.

March 07, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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