

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

235

CRM-M-54195-2021

Date of Decision :28.02.2022

Puneet Kumar Trikha

..Petitioner

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Jaspreet Kaur, Advocate for
Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Bhavesh Aggarwal, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.02 dated 01.02.2019 registered under Sections 409, 420, 465, 467, 468 and 471 of the IPC at Police Station NRI Amritsar and all other subsequent proceedings arising therefrom, on the basis of the compromise, which has been entered into between the parties.

On 23.12.2021, this Court had passed the following order:-

“Present petition has been filed for quashing of FIR No. 2, dated 01.02.2019, registered under Sections 409, 420, 465, 467, 468, 471 IPC at Police Station NRI 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 16.12.2021 (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, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No. 1

Mr. Bhavesh Aggarwal, Advocate, who has also joined the proceedings through video conference, 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 28.02.2022.

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 dated 21.01.2022 has come from Judicial Magistrate 1st Class, Amritsar, addressed to the Registrar General of this Court 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 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:-

“1. There is only one person arrayed as an accused in this case namely Puneet Kumar Trikha son of Jawahar Lal.

2. The accused person has not been declared as proclaimed offender.

3. This Court is satisfied that the compromise in the present case is genuine, voluntary and without any coercion or undue influence.

4. The accused is not involved in any other FIR.

5. There is only one complainant/victim in the FIR namely Tejinder Singh son of Late Gian Singh and he as well as accused are party to the compromise in question.”

Learned counsel for the petitioner 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 respondent No.2-complainant admits the compromise as well as the statements made before the Judicial Magistrate 1st 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 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-petitioner, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.02 dated 01.02.2019 registered under Sections 409, 420, 465, 467, 468 and 471 of the IPC at Police Station NRI 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.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 petitioner.

February 28, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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