

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CRM-M-54463-2021

Date of Decision :04.03.2022

Parvinder Singh @ Gurbaz Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lalit Singla, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Shivam Garg, Advocate & Ms. Varsha Sharma, 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.100 dated 26.08.2018 registered under Section 379 of the IPC (Sections 201 & 411 of the IPC added later on) at Police Station Khanauri, 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, a Coordinate Bench of this Court had passed the following order:-

“This is a petition that has been filed seeking quashing of FIR No.100 dated 26.08.2018 under Section 379 IPC (Sections 201, 411 IPC added later on) registered at Police Station Khanauri, District Sangrur on the basis that a compromise has been entered into between the parties.

Notice of motion.

Mr. Balbir Singh Sevak, Addl. AG, Punjab and Mr. Garurav Singh Rana, who are present through the medium of video conferencing, accept notice on behalf of respondent-State and respondent No.2 & 3 respectively. Learned counsel appearing for respondent No.2 & 3 admits to the factum of compromise.

Service is complete.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate on 08.02.2022 or any other date convenient to the trial Court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate is directed to send report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 04.03.2022.

A copy of the order be sent to learned trial Court/Illaq Magistrate through e-mail for compliance.”

A report dated 25.02.2022 has come from Sub-Divisional Judicial Magistrate, Moonak, Sangrur, 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. The accused impleaded in the present FIR is party to the compromise.

2. None of the accused has been declared as proclaimed offender.

3. The compromise between the parties is genuine, voluntarily and out of free will of the parties.

4. No other criminal case are pending against the accused and he is not involved in any other FIR.

5. There is only complainant namely Mukesh Kumar son of Sadhu Ram, resident of ward no.10 Khanauri and there is one victim

namely Amarpal son of Balbir Singh, resident of village Gulahad, Police Station Patran, District Patiala.

From the statements, it appears that compromise is genuine and has been effected between the parties without any pressure and with their free will and without any coercion or undue influence.”

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 statements made before Sub-Divisional Judicial Magistrate, Moonak, Sangrur, 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 petitioner for quashing the FIR on the basis of the compromise.

Thus, FIR No.100 dated 26.08.2018 registered under Section 379 of the IPC (Sections 201 & 411 of the IPC added later on) at Police Station Khanauri, 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 petitioner.

March 04, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No