

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(279)

CRM-M-931-2023

Date of Decision : July 20, 2023

**Alvin Masih @ Master Alwyn Masih @ Paster Alvin Masih
.. Petitioner**

Versus

State of Punjab and another**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. G.S. Sirphikhi, Advocate, for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

None for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioner is for quashing of FIR No.34 dated 27.04.2003 registered under Sections 420, 406 and 120-B of the IPC at Police Station Sri Hargobindpur, Police District Batala and all other subsequent proceedings arising therefrom, on the basis of compromise dated 24.08.2022 (Annexure P-2) entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 13.02.2023 had passed the following order:-

“This is a petition under Section 482 Cr.P.C. for quashing of FIR No.34, dated 27.04.2003, under Sections 420, 406 and 120-B of the IPC, registered at Police Station Sri Hargobindpur, Police District Batala, with all subsequent

proceedings arising therefrom, on the basis of compromise dated 24.08.2022 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of respondent No.1-State.

List on 22.03.2023.

In the meantime, the parties are directed to appear before the Illaqa Magistrate/trial Court within a period of two weeks from today, for recording of their statements with regard to the compromise.

The trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- (i) Number of persons arrayed as accused in the FIR;*
- (ii) Whether any accused is declared as proclaimed offender?*
- (iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- (iv) Whether the accused persons are involved in any other FIR or not?"*

A report has come from Judicial Magistrate Ist Class, Batala, addressed to the Registrar General of this Court dated 02.03.2023 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 or undue influence on any of the parties to the compromise and no other criminal proceedings are pending against him. The relevant portion of the said report is as under:-

“ The Court of undersigned has made the report as desired by your goodself.

1. Five accused namely Alvin Masih, Narinder Masih, Simmi wife of Billa Masih, Pushpa wife of Jamshed Masih and Kamal wife of Narinder Masih were arrayed as accused in the FIR. Accused/petitioner Alvin Masih was declared proclaimed offender

and after the re-arrest he is facing trial and case is pending for 22.03.2023 for prosecution evidence.

(Accused Narinder Masih and accused Kamla wife of accused Narinder Masih are still proclaimed offenders. Accused Simmi wife of Billa Masih and accused Pushpa wife of Jamshed Masih, were acquitted by the Court of Sh. Rachhpal Singh, Judicial Magistrate Ist Class, Batala, vide its order dated 08.11.2011).

2. As per the statement of IO ASI Sarwan Singh, the accused is not involved in any other case.

3. The compromise is genuine, voluntarily and without any coercion or under influence between complainant and accused persons.

The statements of both the parties are enclosed herewith.

Report submitted, please.”

As per the trial Court report, 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 State counsel submits that though at one given point of time, the petitioner was declared as proclaimed offender but thereafter, he was arrested and was granted bail by this Court.

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 there are no other criminal cases pending 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.34 dated 27.04.2003 registered under

Sections 420, 406 and 120-B of the IPC at Police Station Sri Hargobindpur,

Police District Batala 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.10,000/- as cost to be deposited with Kartar Aasra Old Age Home, Kartar Aasra Road, Rock Garden, Sector-1, Chandigarh, 160001, Kartar Aasra Trust, ICICI Bank, Current A/C No. 001305500868, IFSC-ICICI00000013, by the petitioner.

July 20, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No