

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

264

CRM-M-7354-2021

Date of Decision :-20.07.2023

Mohammad Ashraf and others**...Petitioners**

Versus

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

Present: Mr. Rashi Sabharwal, Advocate for
Mr. Saqib Ali Khan, Advocate for the petitioners.

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

Mr. Rahul Sharma, Advocate for respondents No.2 and 3.

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of quashing of the FIR No.219 dated 01.10.2020, registered under Sections 323, 324, 506, 148 and 149 IPC, 1860 (Section 326 IPC added later on), at Police Station Amargarh, District Sangrur, along with all consequential proceedings emanating therefrom on the basis of compromise dated 08.02.2021 (Annexure P/2) as well as decision of Hon'ble the Full Bench of this Court in Kulwinder Singh and Others vs State of Punjab and another, 2007 (3) RCR (CrL) 1052, which has been entered into between the parties.

On 17.02.2021, a Coordinate Bench of this Court had passed the following order:-

“Prayer in the petition under Section 482 Cr.P.C., is for quashing of FIR No.219 dated 01.10.2020, registered under Sections 323, 324, 506, 148 and 149 IPC, 1860 (Section 326 IPC added later on), at Police Station Amargarh, District Sangrur, along with all consequential proceedings emanating

therefrom on the basis of compromise, Annexure P/2 dated 08.02.2021, as well as decis

Mr. Hittan Nehra, learned Addl. AG, Punjab, accepts notice on behalf of respondent No. 1 and states that he does not wish to file reply in view of amicable settlement of the dispute amongst the parties vide compromise Annexure P/2 dated 08.02.2021 as well a

Mr. V.K. Kaushal, learned counsel puts in appearance on behalf of respondent Nos.2 and 3 and states that he has no objection, if the aforementioned FIR and all consequential proceedings emanating therefrom are quashed in view of compromise Annexure P/2 dated 08.02.2021, as well as the judgments cited by the learned counsel for the petitioners.

Accordingly, in view of the position as noted above, the parties through counsel are directed to put in appearance before the learned Illaqa Magistrate/ Duty Magistrate concerned on 04.03.2021 for recording of their stateme

Report regarding genuineness of the compromise as also whether any other person(s) has/ have been nominated as accused and whether any person(s) has / have been declared proclaimed offender, whether challan has been filed, whether there is any cross case etc. be filed before this Court by the next date.

List on 22.03.2021.

Reply, if any, be filed in the meantime.”

A report dated 12.03.2021 appended as (Annexure-A) has come from Judicial Magistrate 1st Class, Malerkotla, 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:-

“(1) In view the statement of complainants Mohd. Gulzar and Gareeb Hussain and accused Mohd. Ashraf, Mohd. Ifzal @ Bali and Javed Mohd. @ Tinku, it is apparent that the matter has been compromised between the parties. In light of their statements compromise between the parties is result of free volition of the parties and without any inducement threat or pressure. There are three accused in the present case namely, Mohd. Ashraf, Mohd. Ifzal @ Bali and Javed Mohd. Alias Tinku, detailed above. As per the record, only FIR is available and as per report of Naib Court, none of accused has been declared proclaimed offender in the present case and no cross case is pending between the parties and no other accused/person has been nominated in the present case. As per the report of concerned Ahlmad, Challan has not

been presented in the present case till today and there is no cross case pending in the present FIR.”

As per the report of the trial Court, the parties have already entered into compromise so as to live peacefully hence, no useful purpose will be served in keeping the FIR alive.

Learned State counsel has not raised 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 as 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, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, FIR No.219 dated 01.10.2020, registered under Sections 323, 324, 506, 148 and 149 IPC, 1860 (Section 326 IPC added later on), at Police Station Amargarh, District Sangrur and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of the compromise dated 08.02.2021 (Annexure P-2), 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 Institute for Blind Sector 26, near Homoeopathic Medical College and Hospital, Chandigarh, 160019 by each petitioners.

July 20, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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