

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

(267)

CRM-M-10719-2022

Date of Decision : July 20, 2023

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

Present: Mr. Sukhjit Singh, Advocate, for the petitioners.

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

Ms. Arshdeep Kaur, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioners is for quashing of FIR No.132 dated 30.06.2017 registered under Sections 452, 342, 323, 34 of the IPC (Section 325 IPC added later on) at Police Station Machhiwara, Police District Khanna and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 14.03.2022 had passed the following order:-

“Case heard via video conferencing.

By this petition, the petitioners seek quashing of FIR no.132 dated 30.06.2017, registered at Police Station Machhiwara, Police District Khanna, District Ludhiana (Rural), for the alleged commission of offences punishable

under Sections 452, 342, 323, 34 and 325 (added later on), of the IPC, as also all other subsequent proceedings arising therefrom, on the basis of a compromise arrived at between the petitioners and respondent no.2. A copy of the compromise deed has been annexed as Annexure P-2 with the petition.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab accepts notice at the asking of the court on behalf of respondent no.1. Ms. Arshdeep Kaur, Advocate, accepts notice on behalf of respondent No.2-complainant.

Adjourned to 13.05.2022.

In the meanwhile, the petitioners, as also respondents no.2, would appear before the learned Area Magistrate/trial court (as the case may be) upto 26.04.2022 to record their statements. That court would satisfy itself with regard to the authenticity of the compromise and the fact that it has been arrived at without any kind of undue influence or pressure, and would thereafter send its report to this court, before the next date of hearing.

That court would also verify whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this court comes to the conclusion that the FIR sought to be quashed can be so quashed.

The learned State counsel would also verify whether there are any other criminal cases, of like nature or otherwise, pending against the petitioners.”

A report dated 29.04.2022 has come from Judicial Magistrate Ist Class, Samrala, 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 bona fide and is not a result of any pressure or coercion on any of the parties to the compromise 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 said report is as under:-

“ i) Copy of compromise dated 05.03.2022 entered into between the parties was produced in the Court by the parties and the same was taken on record. The compromise entered into between the parties appears to be authentic, genuine and voluntary and the same appears to have been effected between the parties out of their free will and consent, without any threat or pressure or undue influence.

ii) Two persons were arrayed as accused in the FIR i.e. accused Harjit Singh and Jasvir Singh. As per the statements recorded in the court, no person other than accused Harjit Singh and Jasvir Singh, who are the petitioners before the Hon’ble High Court, was involved in the occurrence.

4. This report is being submitted in compliance of the aforesaid order of the Hon’ble High Court dated 14.03.2022 passed in CRM-M-10719-2022. Statement of all the concerned parties recorded in the Court are being sent herewith, along with photocopy of the written compromise (Annexure A) and photocopies of the Aadhar Cards of the complainant and the accused, for the kind perusal of the Hon’ble High Court.”

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 counsel for the respondent No.2-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Samrala 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 herein before 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, the FIR No.132 dated 30.06.2017 registered under Sections 452, 342, 323, 34 of the IPC (Section 325 IPC added later on) at Police Station Machhiwara, Police District Khanna 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 petitioners.

July 20, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No