

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

(283)

CRM-M-13262-2023

Date of Decision :-11.07.2023

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

Present: None for the petitioners.

Mr. Harpreet Singh, Additional Advocate General, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 17 dated 26.01.2023 registered under Sections 353, 332, 186, 506 and 149 of the Indian Penal Code, 1860 at Police Station Sadar Mansa, District Mansa and all other subsequent proceedings arising therefrom, on the basis of the compromise (Annexure P-2), which has been entered into between the parties.

On 16.03.2023, a Coordinate Bench of this Court had passed the following order:-

“The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.17 dated 26.01.2023 registered under Sections 353, 332, 186, 506 and 149 of the Indian Penal Code, 1860 at Police Station Sadar Mansa, District Mansa and all consequential proceedings arising therefrom on the basis of

compromise arrived between the parties.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Senior D.A.G., Punjab, who is present in the Court, has accepted notice on behalf of respondent No.1-State.

At this stage, Mr. Kashish Garg, Advocate has appeared and accepted notice on behalf of respondent No.2 and filed his power of attorney in the Court which is taken on record.

Learned Counsel for respondent No.2 admits the factum of compromise.

Accordingly, the private parties are directed to appear before the trial Court/Illaq Magistrate within 15 days from today or any other date convenient to the trial Court/Illaq Magistrate for recording their statements with regard to compromise/settlement subject to payment of costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Mansa. Trial Court/Illaq Magistrate is directed to submit a report before next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused in FIR.*
- 2. Whether any accused is 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 case or not.*
- 5. Current stage of the case. List on 29.05.2023."*

A report dated 27.03.2023 appended as (Annexure-A) has come from Additional Chief Judicial Magistrate, Mansa 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:-

“On the basis of the statements of the parties recorded in the Court, it is submitted that the compromise between the parties appears to be genuine, having been entered at their own sweet will and without any kind of undue influence or coercion. As per their statements of the parties, no other FIR was registered by the respondent No. 2 against the petitioners nor the petitioners have been declared Proclaimed Offenders in this case nor final report has been presented by the Investigating Agency till date. As per the statement of the complainant, the petitioners are the only offenders. Costs of Rs. 10,000/- has been deposited by petitioners with District Legal Services Authority, Mansa. (Original receipt enclosed).

The report in this regard is accordingly submitted to your good self for its onward transmission to the Honorable High Court.

Thanking you.”

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 also not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise dated 22.02.2023, except that Section 353 of IPC has been invoked in the FIR in question. The said objection of the learned State counsel that once Section 353 IPC has been invoked in the FIR, the same

cannot be quashed on the basis of the compromise, cannot be accepted keeping in view the judgment of the Division Bench of this Court in CRM No. M-31765 of 2012 titled as ***Vinod @ Boda and others Vs. State of Haryana and another***, decided on 01.05.2013, wherein, after considering the law on the aspect, the Division Bench held that where there is an offence against the public servant, the same can also be quashed, though the said power is to be exercised sparingly and judiciously. Keeping in view the facts and circumstances of the present case, there is no embargo in exercising the jurisdiction for quashing the present FIR.

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 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, FIR No. 17 dated 26.01.2023 registered under Sections 353, 332, 186, 506 and 149 of the Indian Penal Code, 1860 at Police Station Sadar Mansa, District Mansa and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

July 11, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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