

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

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CRM-M-13327-2023

Date of Decision :-17.07.2023

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

Present: Mr. Bikram Chaudhary, Advocate for the petitioners.

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

Mr. Hardeep Singh, 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 FIR No.42 dated 4.2.2010 under Sections 420, 467, 468, 471, 120-B I.P.C., registered at Police Station, Jagraon, District Ludhiana and subsequent proceedings arising therefrom, on the basis of the compromise dated 8.3.2023 (Annexure P-2) and the compromise dated 13.3.2019 (Annexure P-3), which have been entered into between the parties.

On 17.03.2023, a Coordinate Bench of this Court had passed the following order:-

"The petitioners have filed the present petition seeking quashing of FIR No.42 dated 4.2.2010 under Sections 420, 467, 468, 471, 120-B I.P.C., registered at Police Station, Jagraon, District Ludhiana and subsequent proceedings arising therefrom, on the basis of the compromise dated 8.3.2023 (Annexure P-2) and the compromise dated 13.3.2019 (Annexure P-3).

Learned counsel for the petitioners submits that the dispute in question is purely civil in nature and parties have amicably settled their dispute and they have arrived at a

compromise. Counsel submits that prosecution of the petitioners in the present FIR is nothing but an abuse of the process of law.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, D.A.G., Punjab accepts notice on behalf of respondent No.1 and Mr. Hardeep Singh, Advocate accepts notice on behalf of respondents no.2 & 3.

Learned counsel for respondents no.2 & 3 has endorsed the contention raised by learned counsel for the petitioners and has not denied the factum of compromise effected between the parties.

Learned State counsel has opposed the submissions made by counsel for petitioners and submits that in all there were 14 prosecution witnesses and all have been examined by the Trial Court. He submits that the complainant has supported the case of prosecution before the Trial Court. He further submits that the trial in this case lasted for about 13 years.

In view of the above position, petitioners are directed to pay costs of Rs.2 lakh to be deposited with the Poor Patients' Welfare Fund, P.G.I.M.E.R., Chandigarh and costs of Rs.2 lakh with the Advocates' Welfare Fund, High Court Bar Association, Chandigarh before the next date given for appearance before the Illaqa/Duty Magistrate.

Adjourned to 17.7.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 20.4.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. Learned Illaqa/Duty Magistrate concerned would also ensure that petitioners have paid the costs as directed by this court before recording the statements of the parties.

The Illaqa/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court."

A report dated 14.07.2023 appended as (Annexure-A) has come from Judicial Magistrate 1st Class, Jagraon, 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:-

“As per the statement of the IO there are three accused in the present FIR. There is only one complainant/victim in the present FIR namely Jagmohan Singh. Besides the petitioners. There is one more accused namely Maninder Singh, Accused Maninder Singh has died and proceedings qua accused Maninder Singh has been abated vide order dated 22.08.2022. None of them was involved in any other FIR and has not been declared proclaimed offender by any court in the present FIR. The cost imposed upon the petitioners have been paid by the petitioners.”

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.42 dated 4.2.2010 under Sections 420, 467, 468, 471, 120-B I.P.C., registered at Police Station, Jagraon, District Ludhiana and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 8.3.2023 (Annexure P-2) and the compromise dated 13.3.2019 (Annexure P-3) entered into between the parties.

July 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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