

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

243

CRM-M-15458-2023

Date of Decision :-14.07.2023

Ricky Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manik Makkar, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

Mr. Bachanpreet Singh, Advocate for
Mr. Saurabh Savara, Advocate for respondent No.2.

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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.0151 dated 18.07.2022 registered under Sections 323, 324, 506 and 34 of the IPC at Police Station Sadar Samana (wrongly mentioned in FIR as P.S. Samana) District Patiala and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 20.07.2022 (Annexure P-2), which has been entered into between the parties.

On 10.04.2023, a Coordinate Bench of this Court had passed the following order:-

“Prayer in this petition is for quashing of the FIR
No.0151 dated 18.07.2022 under Sections 323, 324, 506 and

34 of the Indian Penal Code, 1860, registered at Police Station Sadar Samana (wrongly mentioned in FIR as P.S. Samana), District Patiala (Annexure P-1), on the basis of the compromise deed dated 20.07.2022 (Annexure P-2) entered into between the parties.

Notice of motion.

On the asking of the Court, Mr. M.S. Nagra, A.A.G., Punjab, accepts notice on behalf of the respondent-State.

Mr. Saurabh Savara, Advocate, has put in appearance on behalf of respondent No.2 and filed his Power of Attorney, which is taken on record. He also admits the factum of compromise arrived at between the parties.

List on 14.07.2023.

Meanwhile, the parties are directed to appear before the learned trial Court/Area Magistrate on 17.04.2023 or any other convenient date to the Court and to get their statements recorded regarding the compromise. The trial Court/Area Magistrate is directed to submit a report on or before the 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 FIR or n
5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”

A report dated 05.05.2023 appended as (Annexure-A) has come from Judicial Magistrate 1st Class, Samana, District Patiala, 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) There are three accused in this case i.e. Ricky Singh son of Darshan Singh, Jaspal Singh @ Jagpal Singh @ Kalu son of Jeet Singh, both residents of Gazipur, Tehsil Samana, District Patiala and Ramayan Yadav son of Ram Jatan, resident of H. No.99/21 Phase-9 Mohali.
- (2) None of accused is declared proclaimed offender in this case.
- (3) As per the statement of both the parties compromise is genuine, voluntary and without any coercion or urdue influence.
- (4) None of the accused is involved in any other FIR.
- (5) There is one complainant in the present case i.e Mahinder Singh son of Labh Singh, resident of Village Gazipur, Tehsil Samana, District Patiala and there is one victim namely Jagpal Singh son of Amarjit Singh, resident of village Gazipur, Tehsil Samana, District Patiala in the present case.

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 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.0151 dated 18.07.2022 registered under Sections 323, 324, 506 and 34 of the IPC at Police Station Sadar Samana (wrongly mentioned in FIR as P.S. Samana) District Patiala and all other subsequent

proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 20.07.2022 (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 Ashiana (Specialized Adoption Agency) and Snehalaya for Girls (Children's Home) QQ 2C+437, 15 C, Sector 15, Chandigarh, 160015, by the petitioners.

July 14, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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