

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

(280)

CRM-M-15265-2023

Date of Decision : July 20, 2023

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

Present: Mr. Sahil Soi, Advocate, for the petitioners.

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

Mr. Amit Bansal, Advocate, for  
Mr. Vikram Kumar, 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.97 dated 11.06.2018 registered under Sections 323, 324, 326, 506 and 34 of the IPC at Police Station Sadar Jalandhar, District Police Commissionerate, Jalandhar and all other subsequent proceedings arising therefrom, on the basis of compromise dated 15.03.2023 (Annexure P-2) entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 27.03.2023 had passed the following order:-

*“Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.97, dated 11.06.2018, registered under Sections 323, 324, 326, 506, 34 IPC at Police Station Sadar Jalandhar, District Police Commissionerate, Jalandhar,*

*Annexure P-1 and all its subsequent proceedings arising therefrom on the basis of compromise, Annexure P-2.*

*It has been argued by learned counsel for the petitioners that the parties have compromised the matter and as such, prosecution of the petitioners would be nothing but an abuse of the process of the Court and hence the present FIR is liable to be quashed.*

*Notice of motion.*

*On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of respondent No.1 and Mr.Vikram Kumar, Advocate, accepts notice on behalf of respondent No.2 and endorses the contention raised by learned counsel for the petitioners and has not denied the factum of compromise effected between the parties.*

*Adjourned to 20.07.2023.*

*Let the State file status report.*

*In the meanwhile, both the parties are directed to appear before the concerned Illaqa Magistrate/Duty Magistrate on 05.04.2023 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.*

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

A report dated 17.04.2023 has come from Additional Chief Judicial Magistrate, Jalandhar, 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:-

*“ Keeping in view all aspects, statements of the both the parties as well as of ASI Gulzar Singh, the requisite information, as sought for, is submitted as under:-*

*(1) Number of persons arrayed as accused in FIR- As per FIR, statement of ASI Gulzar Singh as well as of complainant, only two persons have been arrayed as accused in this FIR namely Balwinder Singh alias Bagga and Balkar Chand alias Sadhi (petitioners).*

*(2) Whether any accused is declared as proclaimed offender- As per statement of ASI Gulzar Singh, none of the accused has been declared as proclaimed offender.*

*(3) Whether the compromise is genuine, voluntary and without any coercion or undue influence- Having recorded the statements of parties and examined them orally as well, this Court is of the considered opinion that compromise is genuine and not result of coercion or undue influence.*

*(4) Whether the accused persons are involved in any other FIR or not- As per statement of ASI Gulzar Singh, accused are not involved in any other criminal case.*

*Report is submitted with regards.”*

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 Additional Chief Judicial Magistrate, Jalandhar 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.97 dated 11.06.2018 registered under Sections 323, 324, 326, 506 and 34 of the IPC at Police Station Sadar Jalandhar, District Police Commissionerate, Jalandhar and all other subsequent proceedings arising therefrom are quashed qua the petitioners 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 Institute for Blind, Sector 26, Near Homoeopathic Medical College And Hospital, Chandigarh, by the petitioners.

**July 20, 2023**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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