

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

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CRM-M-20263-2022

Date of Decision :-18.07.2023

Manjinder Singh @ Kaka and others**...Petitioners****Versus****State of Punjab and others****...Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Harpreet Kaur Arora, Advocate for the petitioner.

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

Mr. Rahul Vijay Singh Chugh, Advocate
for respondents No.2 to 4

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Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of quashing of the FIR No.0221 dated 28.12.2017, under Sections 324, 323, 506, 120-B of the IPC registered at Police Station Dehlon, District Police Commissionerate Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 22.03.2022 (Annexure P-2) which has been entered into between the parties.

On 12.05.2022, a Coordinate Bench of this Court had passed the following order:-

“Instant petition has been filed for seeking quashing of FIR No.0221 dated 28.12.2017, under Sections 324, 323, 506, 120-B of the IPC registered at Police Station Dehlon, District Police Commissionerate Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 22.03.2022 (Annexure P-2).

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG, appears and accepts notice on behalf of respondent-State.

Mr. Rahul Vijay Singh Chugh Advocate appears on behalf of respondent Nos.2 to 4 and admits the execution of the compromise effected between the parties.

The parties are directed to appear before the Illaqa

Magistrate/Trial Court on 31.05.2022 or any other date convenient to the Illaqa Magistrate/Trial Court for recording their statements as to genuineness of the compromise executed between the parties.

The Illaqa Magistrate/trial Court is directed to submit a report along with copies of statements of parties on or before the next date of hearing containing the following information as well:-

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender;
- (iii) The stage of trial/proceedings;
- (iv) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.
- (v) Whether the compromise has been effected with all accused persons and with all the complainant/injured.

To come up for further consideration on 29.08.2022.

Response, if any, may also be filed by the State on or before the adjourned date.”

A report dated 13.07.2022 appended as (Annexure-A) has come from Judicial Magistrate, 1st Class, Ludhiana, 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 the petitioners have not been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant portion of the report is as under:-

“It is humbly submitted that the present case i.e. DDR NO.10 of 04.01.2018 u/s 325, 506, 201,34 IPC, PS Dehlon has been got registered against five persons namely, Jorawar Singh, Kashmir Singh, Manvir Singh, Mandeep Singh and Gurdev Singh and accused Mandeep Singh is declared as Proclaimed person in this case and proclamation proceedings are going on against accused Gurdev Singh.

(ii) It is humbly submitted that the present case is at initial stage and chargesheet against the accused persons is yet to be framed and the case is going on for proclamation proceedings against accused Gurdev Singh

(ii) It is further submitted that after going through the statements of parties so recorded as well as the contents of compromise, I am of the considered view that the compromise between the parties is genuine, voluntary and without any coercion or undue influence.

(iv) It is further submitted that the compromise has been effected only with petitioners/accused namely Gurdeep Singh, Manjinder Singh @ Kara, Gurvir Singh:

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, qua the petitioners.

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 petitioners 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, qua the petitioners.

Thus, FIR No.0221 dated 28.12.2017, under Sections 324, 323, 506, 120-B of the IPC registered at Police Station Dehlon, District Police Commissionerate Ludhiana and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of the compromise dated 22.03.2022 (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 18, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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