

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

234

CRM-M-22732-2022

Date of Decision :-07.07.2023

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

Present: None for the petitioners.

Mr. Anmol Singh Sandhu, AAG, Punjab.

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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.82 dated 13.06.2018 registered under Sections 326, 325, 323, 506, 148 and 149 of the IPC at Police Dera Baba Nanak, Police Station District Batala 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 24.05.2023, a Coordinate Bench of this Court had passed the following order:-

“Prayer in this petition is for quashing of the FIR in question on the basis of the compromise entered into between the parties. Notice of motion. At this stage, Mr. Joginder Pal Ratna, DAG, Punjab and Mr. Vishal Sodhi, Advocate put in appearance and accept notice on behalf of the respondent-State and respondent No. 2/complainant. Learned counsel for respondent No. 2/complainant admits to the factum of compromise entered into between the parties. List again on

21.09.2022. In the meantime, the parties are directed to appear before the trial Court/Illaqa Magistrate for recording of their statements with regard to compromise/settlement within a period of 30 days from today. The trial Court/Illaqa 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 not. 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 09.06.2023 appended as (Annexure-A) has come from Judicial Magistrate 1st Class, Batala 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 four person (petitioners) arrayed as accused in the FIR.
- (2) No accused has been declared proclaimed offender in this case.
- (3) After going through the statements of the parties, this Court is satisfied that complainant-Amrik Singh has effected the compromise with the above named accused with his own will and without any coercion or pressure from any corner and same is found genuine.
- (4) As per statement of investigating officer ASI Jaswinder Singh, accused are not involved in any other FIR.
- (5) As per statement of investigating Officer ASI Jaswinder Singh, there is only one victim/complainant

namely Amrik 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 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 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.82 dated 13.06.2018 registered under Sections 326, 325, 323, 506, 148 and 149 of the IPC at Police Dera Baba Nanak, Police Station District Batala 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 the Institute for the Blinds, Sector 26, near Homeopathic Medical College and Hospital, Chandigarh, by the petitioners.

July 07, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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