

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

287(2)

CRM-M-24595-2022

Date of Decision :-17.07.2023

Makhan and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioners.

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

Mr. L.S. Lakhanpal, Advocate, Advocate
for respondent No.2.

* * *

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of quashing of the FIR No.26 dated 19.02.2022 under Sections 365, 506, 120-B of the Indian Penal Code, 1860, registered at Police Station Raja Sansi, District Amritsar Rural (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of the compromise dated 10.05.2022 (Annexure P-2), which has been entered into between the parties.

On 21.03.2023, a Coordinate Bench of this Court had passed the following order:-

The petitioners have filed the present petition seeking quashing of FIR No.26 dated 19.02.2022 under Sections 365, 506, 120-B of the Indian Penal Code, 1860, registered at Police Station Raja Sansi, District Amritsar Rural (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 10.05.2022 (Annexure

P-2).

Adjourned to 17.07.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 12.04.2023 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.

Learned counsel for respondent No.2 is directed to file Power of Attorney on behalf of respondent No.2 on or before the next date of hearing.”

A report dated 20.04.2023 appended as (Annexure-A) has come from Sub-Divisional Judicial Magistrate, Ajnala, 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) In the present case there are three accused persons namely Makhan son of Fajkeer, Baag @ Baga son of Fakeer, Sipahi Ali son of Fakeer, Guddu @ Maskeen son of Fakeer and Shaunki @ Shuki son of Mohammad Hussan arrayed in the FIR, as per statement of the IO
- (2) In the present case, complainant and accused persons are not involved in any other criminal case nor declared proclaimed offender in any other criminal case, as per statement of IO, accused and complainant.
- (3) In the present case, except the present petitioners, there are no other accused in the present FIR, as per statement of complainant and IO.
- (4) All the accused and complainant are party to compromise and the said compromise is genuine. voluntary and out of free will between the parties.”

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.26 dated 19.02.2022 under Sections 365, 506, 120-B of the Indian Penal Code, 1860, registered at Police Station Raja Sansi, District Amritsar Rural (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of the compromise dated 10.05.2022 (Annexure P-2), entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.5,000/- as cost to be deposited with Kartar Aasra Old Age Home, Kartar Aasra Road, Rock Garden, Sector-1 Chandigarh, 160001, Kartar Aasra Trust, ICICI Bank, Current A/C No.001305500868, IFSC-ICICI00000013 by each petitioner.

July 17, 2023
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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