

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

(264)

CRM-M-44445-2021

Date of Decision :-18.07.2023

Gurdeep Singh @ Kipa**...Petitioner****Versus****State of Punjab and another****...Respondents*****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Varun Girdhar, Advocate for
Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. Advocate General, Punjab.

Mr. A.S. Brar, Advocate for
Mr. B.S. Randhawa, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No. 0185 dated 11.12.2020, registered under Sections 451, 323 IPC at Police Station Kulgarhi, District Ferozepur and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 11.10.2021 (Annexure P-2), which has been entered into between the parties.

2. On 26.10.2021, a Coordinate Bench of this Court had passed the following order:-

“The petitioner has approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 16.03.2022.

At this stage, Mr. Harbir Sandhu, AAG, Punjab, accepts notice on behalf of respondent No.1-State, while Mr. Bikramjit Singh Randhawa, Advocate, has put in appearance on behalf of respondent No.2 and accepts notice on his behalf.

The parties are directed to move an application before the trial Court/Illaq Magistrate concerned for getting their statements recorded qua the factum of compromise. As and when any such application is moved and put up before the trial Court/Illaq Magistrate, the trial Court/Illaq Magistrate shall consider the said application and do the needful for recording the statements of the parties qua the factum of the compromise, on any convenient date. After recording the statements of all the affected parties, the trial Court/Illaq Magistrate shall submit its report on the basis of the statements so recorded as to whether all the affected parties have entered into a compromise and as to whether the compromise in question is found to be a valid compromise and has been effected without there being any kind of influence or coercion.

The trial Court/Illaq Magistrate shall also report as regards the following facts after seeking information from Investigating Officer, concerned:

- (i) Whether there is any other accused other than the petitioners, arrayed in this petition.*
- (ii) Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition.*
- (iii) Whether any accused has been declared Proclaimed Offender?*

The report be submitted before this Court on or before the next date”.

3. A report dated 10.03.2022 appended as (Annexure-A) has come from Judicial Magistrate Ist Class, Farozpur addressed to the Registrar

General of this Court along with the statement of the accused-petitioner 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 accused-petitioner has not been declared as proclaimed offender and no other criminal proceedings are pending against him. The relevant portion of the report is as under:-

“Thereafter, on 25.02.2022 statement of ASI Mohinder Singh No. 44/FZR posted at P.S. Cantt., Ferozepur has been recorded, wherein, he deposed that he is the investigating officer of the above mentioned FIR. He further depose that :

1. That there was only one accused namely, Gurdeep Singh @ Kipa, resident of Village near Kanji House Ferozepur Cantt., now resident of Quarter No. 217 Police Line, Ferozepur Cantt. Arrayed as accused in the above mentioned FIR.

2. That there is only one person, namely, Iqbal Singh son of Teja Singh is complainant or affected/aggrieved in the above mentioned FIR.

3. No accused person was declared as PO/absconder in the above mentioned FIR.”

4. 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.

5. Learned State counsel has also not raised any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise dated 11.10.2021 (Annexure P-2).

6. 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 the accused is not a proclaimed offender and there are no other criminal cases against the accused-petitioner, this Court is inclined to accept the prayer of the petitioner for quashing the FIR on the basis of the compromise.

7. Thus, FIR No. 0185 dated 11.12.2020, registered under Sections 451, 323 IPC at Police Station Kulgarhi, District Ferozepur and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise entered into between the parties.

8. This order, quashing of the FIR, will be subject to the payment of Rs.10,000/- 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 the petitioner.

July 18, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No