

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

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CRM-M-44152-2022

Date of Decision :-14.07.2023

**Surinder Singh @ Babbu
and another**

...Petitioners

Versus

State of Punjab and another**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Piyush Sharma, Advocate for the petitioners.

Mr. Harpreet Singh, Addl. AG, Punjab.

Mr. Armaan Guneja, Advocate for
Mr. J.S. Grewal, Advocate for respondent No.2.

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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.52 dated 06.06.2017 registered under Sections 323, 295-A, 353, 186 and 149 of the IPC at Police Station Cantt. Ferozepur, District Ferozepur and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 08.09.2022 (Annexure P-2), which has been entered into between the parties.

On 28.03.2023, a Coordinate Bench of this Court had passed the following order:-

“CRM-13572-2023

Present application is filed for placing on record a copy of charge sheet dated 04.03.2021 (Annexure P-5).

For the reasons mentioned in the application, copy of

charge sheet dated 04.03.2021 (Annexure P-5), whereby charges under Sections 323, 295-A and 149 of the Indian Penal Code have been framed against the petitioners by the Court of Judicial Magistrate Ist Class, Ferozepur, is taken on record, subject to all just exceptions.

Application is accordingly disposed of.

CRM-M-44152-2022

Prayer in the instant petition filed under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.52 dated 06.06.2017 (Annexure P-1) under Sections 295-A, 323, 353, 186 and 149 of the Indian Penal Code, registered at Police Station Cantt. Ferozepur, District Ferozepur, along with all consequential proceedings arising therefrom on the basis of Compromise Deed dated 08.09.2022 (Annexure P-2). A perusal of charge sheet dated 04.03.2021 (Annexure P-5) would show that charges have been framed only under Sections 323, 295-A and 149 of the Indian Penal Code.

Learned counsel for the petitioners submits that the matter has been amicably compromised between the parties, which fact is also conceded by learned counsel representing respondent No.2.

List on 18.05.2023.

In the meanwhile, the parties are directed to appear before trial Court/Illaq Magistrate for recording of their respective statements with regard to the compromise, on or before 21.04.2023 or any other date convenient to the said Court.

The Illaq Magistrate/trial Court is directed to submit a report containing the following information as well:-

(i) Number of persons arrayed as accused in FIR and those found involved during investigation;

ii) What is the status of the proceedings of the case/ FIR;

(iii) Whether any accused is proclaimed offender;

(iv) Whether the accused persons are involved in any other case or not;

(v) Whether all the concerned have signed the compromise deed;

(vi) Whether the compromise is genuine, voluntary, and without any coercion or undue influence;

(vii) 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.

The aforesaid report be ensured to be sent to this Court on or before the date fixed.”

A report dated 06.05.2023 appended as (Annexure-A) has come from Judicial Magistrate 1st Class, Ferozepur, 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) As per statement of Investigating Officer, accused namely Surinder Singh @ Babbu and Rohit Gill and four unidentified persons are arrayed as accused in the FIR and accused Surinder Singh @ Babbu and Rohit Gill are found involved during investigation, whereas, the unidentified accused could not be traced for want of their identity.
- (2) The present case is fixed for prosecution evidence.
- (3) As per statement of Investigating Officer, none of the accused has been declared absconding/proclaimed offender in the present case
- (4) As per statement of investigating officer, besides this FIR, three other FIRs have been registered against Surinder Singh @ Babbu out of which FIR No.11/2018, Kulgarhi and FIR no.79/2020, PS Cantt Ferozepur are pending trial, whereas FIR No.121.2021 was registered at P.S. Cantt Ferozepur, in which Surinder Singh @ Babbu is on bail and no challan has been presented till date in the said case and in case of Rohit Gill, besides aforesaid FIR, three other FIRs been registered against Rohit Gill out of which FIR 11/2018 PS Kulgarhi is pending trial and wheres, FIR NO.121/2021 was registered at PS Cantt Ferozepur, in which Rohit Gill is on bail and no challan has been presented till date in the said case.
- (5) Yes, all the concerned have signed the compromise deed.
- (6) The compromise effected between the parties seems to be genuine compromise and is a voluntary act of the parties without there being any sort of undue influence or coercion from any corner.
- (7) As per statement of Investigating Officer, there is only one complainant i.e. Jora Singh Involved in the present FIR.”

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.52 dated 06.06.2017 registered under Sections 323, 295-A, 353, 186 and 149 of the IPC at Police Station Cantt. Ferozepur, District Ferozepur and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 08.09.2022 (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 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 petitioners.

July 14, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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