

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

266

CRM-M-52361-2021

Date of Decision :-18.07.2023

Harpreet Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jagdeep S. Chahal, Advocate for the petitioner.

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

Mr. J.S. Sekhon, Advocate for respondents No.2 and 3.

* * *

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C for quashing of quashing of the FIR No.79 dated 20.08.2020 registered under Sections 307, 325, 341, 506, 427, 148, 149 IPC at Police Station Phase-VIII, District SAS Nagar and all other proceedings arising therefrom on the basis of compromise dated 03.04.2021 (Annexure P-2), which has been entered into between the parties.

On 10.02.2022, a Coordinate Bench of this Court had passed the following order:-

“The matter has been taken up through video conferencing.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab and Mr. Ramanpreet Singh, Advocate, accept notice on behalf of respondent No.1 and respondents No.2 and 3 respectively.

Learned counsel for the petitioners undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.79 dated 20.08.2020 registered under Sections 307, 325, 341, 506, 427,

148, 149 IPC at Police Station Phase-VIII, District SAS Nagar on the strength of a written compromise dated 03.04.2021 (Annexure P-2) entered into between the parties.

The petitioners as also respondents No.2 and 3 through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 20.02.2022 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Trial Court would furnish to this Court its report alongwith the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties. The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 25.07.2022.”

A report dated 11.04.2022 appended as (Annexure-X) has come from Judicial Magistrate 1st Class, SAS Nagar, Mohali, 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 have been declared as proclaimed offender and no other criminal proceedings are pending against accused except Harpreet Singh against whom three FIRs are pending. The relevant portion of the report is as under:-

“1) In view of the statements so suffered by the parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily and same is authentic and without any kind of undue influence or pressure.

2) As per record, there is no other person involved in the present FIR or declared proclaimed offender in any other criminal case.

3) As per record, statement of the Investigation Officer, no other criminal case is pending against the accused persons except accused Harpreet Singh in the Police Station, Phase-8, Mohali. It is pertinent to mention here that the following FIRs have been registered against accused Harpreet Singh, which are as under:-

(a) FIR No.95 dated 19.09.2015, under Section 341, 323, 506, 34 IPC Police Station Phase-8 Mohali.

(b) FIR No.38 dated 23.04.2016, under Section 323, 341, 506,148,149 IPC Police Station Phase-8 Mohali.

(c) FIR No.17 dated 13.02.2021, under Section 323, 341, 148, 149 IPC Police Station Phase-8 Mohali.”

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 counsel for the petitioners submits that though, in the FIR Section 307 of the IPC has been invoked but as per the MLR injury has been described as 'grievous' and not 'life threatening' hence, simply by invoking Section 307 of the IPC in the FIR without there being any supporting document, the same cannot come in the way of quashing the FIR on the basis of compromise.

Though, Section 307 of the IPC has been invoked in the present FIR but no corroborating evidence has been brought to the notice of this Court so as to show that injury suffered was life threatening and rather the same has been described as grievous injury by the doctor in the MLR.

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 are 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.79 dated 20.08.2020 registered under Sections 307, 325, 341, 506, 427, 148, 149 IPC at Police Station Phase-VIII, District SAS Nagar and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of the compromise dated 03.04.2021 (Annexure P-2), entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.20,000/- 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
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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