

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

239

CRM-M-50350-2022

Date of Decision :-14.07.2023

Harnek Singh

...Petitioner

**Versus**

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. D.S. Randhawa, Advocate for  
Mr. Pardhuman Garg, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

Mr. Chahit Bansal, 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.0047 dated 17.02.2021 registered under Sections 279, 337 and 427 of the IPC at Police Station Kharar, District SAS Nagar, Mohali and all other subsequent proceedings arising therefrom, on the basis of the compromise dated 06.10.2022 (Annexure P-2), which has been entered into between the parties.

On 31.10.2022, a Coordinate Bench of this Court had passed the following order:-

“The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR (Annexure P-1) and all the subsequent proceeding arising therefrom on the basis of compromise (Annexure P2).

Notice of motion.

At this stage, Mr. Chahit Bansal, Advocate, accepts notice on behalf of the complainant/respondent No.2 the power of attorney filed by him is taken on record and admitted the factum of compromise entered into between the parties. Learned counsel further pleaded no objection if this petition is allowed.

On the asking of this Court, Mr. Chaman Lal Pawar, Addl. A.G. accepts notice on behalf of the State.

In the light of no objection on behalf of counsel for respondent No.2, the parties are directed to appear before the learned trial court/Illaqa Magistrate on 28.12.2022 or any other date convenient to the Court and to get record their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate, is directed to send the same along with its report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts :

1. Number of persons arrayed as accused in the FIR.
2. Whether any accused is proclaimed offender.
3. Stage of the trial/proceedings.
4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.
5. Total number of victims and their names.

To come up on 22.3.2023 for awaiting the report.

The State counsel is also directed to verify about the factum of compromise by that date

A copy of this order be sent to the learned trial Court/Illaqa Magistrate, through electronic mode, for compliance.

In the meanwhile, the petitioner is also directed to join investigation with the police within next 30 days and on doing so, he is directed to be released on bail by the police as the offences are bailable offences.”

A report dated 05.01.2023 appended as (Annexure-A) has come from Judicial Magistrate 1<sup>st</sup> Class, Kharar, addressed to the Registrar General of this Court along with the statements 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 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 is one person namely Harnek Singh arrayed as accused in the present FIR.

(2) No accused has been declared Proclaimed offender in the case.

(3) The present case is under investigation.

(4) From statement of above person, ex-facie, it transpire

that the compromise is genuine, voluntarily and out of free will of the parties qua complainant and accused.

(5) There is one victim namely Sikander 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 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 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.

Thus, FIR No.0047 dated 17.02.2021 registered under Sections 279, 337 and 427 of the IPC at Police Station Kharar, District SAS Nagar, Mohali and all other subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 06.10.2022 (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 Mother Teresa Mission of Charity, Sector 23-A, Udyan Path, Chandigarh, 160023 by the petitioner.

**July 14, 2023**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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