

(2021) 11 P&H CK 0022

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 32692 Of 2021

Balvir Singh And Another

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 09-11-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 186, 332, 353

Citation : (2021) 11 P&H CK 0022

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Ramneet Kaur Nijjar, Kirat Singh Sidhu, Gurminder Singh Phull

Judgement

Harsimran Singh Sethi, J

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.137 dated 31.10.2019 registered under Sections 353, 186, 332 and 34 of the IPC at Police Station Rahon, District SBS Nagar on the basis of the compromise, which has been entered into between the parties.

On 19.08.2021, this Court had passed the following order:-

"Present petition has been filed for quashing of FIR No. 137, dated 31.10.2019, registered under Sections 353, 186, 332, 34 IPC at Police Station Rahon, District SBS Nagar, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners argues that in order to live peacefully, parties have entered into compromise on 19.07.2021, according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. Sandeep Kumar, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts Mr. Gurminder Singh Phull, Advocate, who has also joined the proceedings through video conference,

accepts notice on behalf of respondent No.2. He admits the factum of the compromise entered into between the parties and raises no objection, in case the FIR in question is quashed on the basis of the said compromise.

Adjourned to 09.11.2021.

In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement on 28.09.2021 by moving appropriate application or by presenting this order.

The Trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

1. Number of persons arrayed as accused in the FIR,
2. Whether any accused is a proclaimed offender,
3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,
4. Whether the accused persons are involved in any other FIR or not, and
5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR.

The question of imposition of cost for wasting valuable time of police as well as the Court will be assessed at the time of final hearing of present petition, in case the FIR is to be quashed."

2 of 4 A report dated 29.10.2021 has come from Addl. Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar, addressed to the Registrar General of this Court along with the statements of the accused-petitioners as well as the complainant, which is as under:-

"_ _ _ _ (1) As per statement of ASI Karamjit Singh investigating officer of the present case, only two accused persons namely Balbir Singh Gill and Rajvir Singh both sons of Ajit Singh @ Tara Singh are arrayed as accused in the present case.

(2) As per statement of ASI Karamjit Singh investigating officer of the present case, none of the accused has been declared proclaimed offender in the present case.

(3) Compromise effected between the parties seems to be genuine, voluntary and without any coercion or undue influence.

(4) As per statement of ASI Karamjit Singh investigating officer of the present case, accused/petitioners are not involved in any other FIR, in the police station Rahon.

(5) As per statement of ASI Karamjit Singh Investigating Officer of the present case, except ASI Jeevan Ram no other person is victim/complainant in the

present case."

Learned counsel for the petitioners submit that the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR alive.

Learned counsel for respondent No.2-complainant admits the compromise as well as the statements made before the Addl. Chief Judicial Magistrate Shaheed Bhagat Singh Nagar and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

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 and that the parties have already entered into 3 of 4 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.137 dated 31.10.2019 registered under Sections 353, 186, 332 and 34 of the IPC at Police Station Rahon, District SBS Nagar and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.15,000/- as cost, to be deposited with Prabh Aasra, (Unit of) u/o Universal Disabled Care Taker Social Welfare Society (who are maintaining Orphans) in Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh or A/C No.100035657241 of Indusind Bank Sector 54 Phase II Mohali Branch by the petitioners.