

(2021) 10 P&H CK 0085

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 12633, 32020, 9120 Of 2021

Harjinder Singh @ Binder Singh And Others Harjinder Singh @ Binder Singh And Others

Date of Decision : 04-10-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 148, 149, 186, 323, 332, 353, 427, 506

Citation : (2021) 10 P&H CK 0085

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Ankush Singla, Sandeep Singh Deol, Shiv Kumar

Final Decision : Allowed

Judgement

Harsimran Singh Sethi, J

CRM-9120-2021

Present application has been filed for placing on record the statements of PW-2 and PW-3 as Annexures P-3 and P-4.

Keeping in view the averments made in the application, the same is allowed and Annexures P-3 and P-4 are permitted to be taken on record.

CRM-32020-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-12633-2021, which now stands adjourned to 10.12.2021.

Notice of the application to the counsel opposite.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent-State and Mr. Shiv Kumar, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2 and they have no objection for the grant of the prayer as raised in the present application. Keeping in view the averments made in the application,

which are duly supported by an affidavit, the application is allowed and hearing the main petition i.e CRM-M-12633-2021 is preponed from 10.12.2021 to today.

CRM-M-12633-2021

In the present petition, the prayer of the petitioners is for quashing of FIR No.8 dated 18.02.2016 registered under Sections 186, 353, 323, 427, 506, 148, 149 IPC (Sections 332 and 34 IPC added later on and Sections 148 & 149 have been deleted) at Police Station Bhadaur, District Barnala, and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 22.03.2021 had passed the following order:-

"This is a petition for quashing of FIR on the basis that a compromise has been entered into between the parties.

Notice of motion for 20.05.2021.

At this stage, Ms. Rashmi Attri, AAG, Punjab, who is present in court, accepts notice on behalf of respondent No.1-State. Mr. Shiv Kumar, Advocate, accepts notice on behalf of respondent No.2 and admits to the factum of compromise. He undertakes to file his vakalatnama with the Registry within a week.

Service is complete.

In the meantime, the parties are directed to appear before the learned trial Court/Illaq Magistrate on 20.04.2021 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 20.05.2021.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance."

A report has come from Judicial Magistrate Ist Class, Barnala, addressed to the Registrar General of this Court dated 19.05.2021 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 bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The report of the Judicial Magistrate Ist Class, Barnala is as under:-

"With reference to the case CRM-M No.12633-2021 titled as Harjinder Singh @ Binder Singh and others Vs. State of Punjab and another in FIR No.08 dated 18.02.2016, registered against accused persons namely Harjinder Singh @

Binder, Hardeep Singh @ Looter @ Luter, Karamjit Sharma @ Ghuggi and Jaspreet Singh @ Happy, under Sections 353, 332, 323, 186, 427, 506, 34 IPC, at Police Station Bhadaur, Barnala upon the statement of complainant namely Amritpal Singh.

Upon directions of the Hon'ble High Court in CRM-M-No.12633 of 2021, both the parties i.e complainant namely Amritpal Singh and accused persons namely Harjinder Singh @ Binder, Hardeep Singh @ Looter @ Luter, Karamjit Sharma @ Ghuggi and Jaspreet Singh @ Happy appeared in the Court for getting their statements recorded regarding compromise effected between them. The complainant namely Amritpal Singh suffered statement to the effect that he got registered a case FIR No.08 dated 18.02.2016 against accused persons namely Harjinder Singh @ Binder, Hardeep Singh @ Looter @ Luter, Karamjit Sharma @ Ghuggi and Jaspreet Singh @ Happy, under Sections 353, 332, 323, 186, 427, 506, 34 IPC, at Police Station Bhadaur, Barnala. He further submitted that he has compromised the matter with accused persons with the intervention of respectable persons and relatives. He has no grudge against the accused persons. He has compromised the matter voluntarily and without any fear, force, pressure and coercion. The accused persons namely Harjinder Singh @ Binder, Hardeep Singh @ Looter @ Luter, Karamjit Sharma @ Ghuggi and Jaspreet Singh @ Happy also suffered similar statements. Statement of ASI Sarabjit Singh, IO of the case was also recorded, who stated that in case FIR No.08 dated 18.02.2016, PS Bhadaur, Barnala, under Sections 353, 332, 323, 186, 427, 506, 34 of IPC was registered at the statement of Amritpal Singh against accused persons namely Harjinder Singh @ Binder, Hardeep Singh @ Looter @ Luter, Karamjit Sharma @ Ghuggi and Jaspreet Singh @ Happy. No other person has been nominated in the present case till today and no accused has been declared as proclaimed offender in the present case. He further stated that no PO proceedings are pending against any of the accused in the present case. From the statements of both the parties as well as the IO of the case, the compromise appears to be genuine, voluntary and without any coercion or under influence. None of the accused has been declared as proclaimed offender and no PO proceedings are pending against any of the accused. Complainant has placed on file copy of compromise as Ex.C1.

This present report is accordingly submitted please, for onward transmission to the Hon'ble Punjab and Haryana High Court for kind information and necessary action. Photocopies of statements so recorded are also enclosed herewith, for kind perusal please."

Learned counsel for the petitioners submits 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 statement made before the Judicial Magistrate Ist Class, Barnala 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 herein before and that 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, the FIR No.8 dated 18.02.2016 registered under Sections 186, 353, 323, 427, 506, 148, 149 IPC (Sections 332 and 34 IPC added later on and Sections 148 & 149 have been deleted) at Police Station Bhadaur, District Barnala 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.15000/- 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 A/c No.014894600000970, SCO 151-152, Sector 9- C, Chandigarh or A/c No.100035657241 of IndusInd Bank, Sector-54, Phase-II, Mohali Branch by the petitioners.