

(2022) 01 P&H CK 0018

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 41589, 44510 Of 2021

Jagmeet Singh And Another

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 06-01-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 324, 325, 326, 506
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2022) 01 P&H CK 0018

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : R.S. Rangpuri, Kirat Singh Sidhu, Nagar Singh

Final Decision : Allowed

Judgement

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Harsimran Singh Sethi, J

CRM-44510-2021

Present application has been filed for preponing the date of hearing of the main petition i.e. CRM-M-41589-2021, which now stands adjourned to

07.03.2022.

Notice of the application to the counsel opposite.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf

of respondent-State and Mr. Nagar Singh, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of

respondents No. 2 and 3 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-41589-2021 is preponed from 07.03.2022 to today.

CRM-M-41589-2021

In the present petition, the prayer of the petitioners is for quashing of FIR No.160 dated 10.09.2021, Annexure P-1, under Sections 324, 323, 506 and

34 of the Indian Penal Code, 1860 (Sections 325 and 326 of IPC were added later on), registered at Police Station Kotbhai District Sri Muktsar Sahib

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 05.10.2021 had passed the following order:-

â??Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.160 dated 10.09.2021,

Annexure P-1, under Sections 324, 323, 506 and 34 of the Indian Penal Code, 1860 (Sections 325 and 326 of IPC were added later on), registered at

Police Station Kotbhai District Sri Muktsar Sahib along with all subsequent proceedings arising therefrom, on the basis of compromise dated

25.09.2021, Annexure P-2.

Counsel for the petitioners submits that FIR is outcome of a dispute between the brothers over a petty issue, which has been settled by virtue of

compromise, Annexure P-2. By referring to para 10 of the petition, counsel submits that the petitioners have not been declared as proclaimed

offender.

Notice of motion.

On asking of the Court, Mr. Karanbir Singh, AAG, Punjab accepts notice on behalf of State-respondent No.1. Mr. Nagar Singh, Advocate has put in

appearance and accepts notice on behalf of respondents No.2 and 3 and has admitted the factum of compromise between the parties.

The parties and the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 18.11.2021 or on any date within a fortnight

thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall

submit the report on or before the next date of hearing. The report be forwarded to this Court specifying the following:-

1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;
2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;
3. the stage of trial/proceedings;
4. if the compromise is genuine, voluntary and out of free will of the parties;
5. whether any other criminal case is pending against the accused.

Report of the Illaqa Magistrate/trial Court be awaited for 07.03.2022.â??

A report has come from Judicial Magistrate Ist Class, Gidderbaha, addressed to the Registrar General of this Court dated 06.12.2021 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 relevant part of the said report is as under:-

â??The Court of undersigned has made the report as desired:-

1. Only two persons arrayed as accused in FIR. None of the accused has been declared proclaimed offender.
2. Respondent no.2/complainant viz. Jora Singh son of Harpal Singh and injured/respondent Gurmeet Kaur wife of Harpal Singh has duly recorded their statement regarding compromise. Except them there is no other victim/complainant in the present FIR.
3. The case is at pre-trial stage.
4. The compromise is genuine, voluntarily and without any coercion or undue influence between respondents and accused persons.
5. No other FIR is pending against either of the accused persons.

The photocopies of statements of the both the parties and investigating officer are enclosed herewith.

Report submitted please.â??

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 respondents No. 2 and 3 admits the compromise as well as the statement made before the Judicial Magistrate Ist Class,

Gidderbaha 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.160 dated 10.09.2021, Annexure P-1, under Sections 324, 323, 506 and 34 of the Indian Penal Code, 1860 (Sections 325 and 326 of

IPC were added later on), registered at Police Station Kotbhai District Sri Muktsar Sahib and all other subsequent proceedings arising therefrom are

quashed qua the petitioner 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.