
(2021) 11 P&H CK 0081

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 36329 Of 2021

Jasbir Singh And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 18-11-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 148, 149, 323, 341, 452, 506

Citation : (2021) 11 P&H CK 0081

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Anil Shukla, Sandeep Singh Deol, Rahul Sood

Final Decision : Allowed

Judgement

Harsimran Singh Sethi, J

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.25 dated 05.03.2021, under Sections 323, 341, 452, 506, 148 and 149 IPC, registered at Police Station Mullanpur, District SAS Nagar as well as all the subsequent proceedings arising out of the same, keeping in view the compromise dated 13.07.2021 (Annexure P-1), which has been entered into between the parties.

While issuing notice of motion on 06.09.2021, a Co-ordinate Bench of this Court had passed the following order : -

"Prayer made in this petition is for quashing of FIR as well as all the subsequent proceedings arising therefrom on the basis of compromise.

Notice of motion for 18.11.2021.

At this stage, Mr. Rahul Sood, Advocate appears on behalf of respondent No.2.

In the meanwhile, parties would appear before the Illaqa Magistrate on

17.09.2021 for recording their statements. The concerned court would file its report in the context of validity and genuineness of the compromise in question. The Court shall make a report in respect of antecedent behaviour of criminal activity of the accused and also with regard to total number of accused involved in the case and his/their status of being proclaimed offender/person."

A report has come from the Judicial Magistrate 1st Class, Kharar along with the statements of the accused-petitioners as well as the complainant, which have been recorded. The relevant part of said report is as under: -

"As per statements made by the parties, the compromise was entered into without any undue influence or without any pressure.

In my opinion, compromise appears to have been made voluntarily and is genuine. There are total eight persons arrayed as accused persons in the FIR and all of them have appeared and made their statements. None of the accused-persons is an absconder/P.O. in this case. There is no other proceeding pending against the accused-persons.

Complainant Gurpreet Kaur has suffered statement pleading no objection if the FIR is quashed against accused-persons namely Satbir Kaur, Darshan Singh, Gurvinder Singh, Nirmal Singh, Narinder Singh, Surinder Kaur, Gurvinder Kaur and Jasbir Singh. The statements of complainant Gurpreet Kaur as well as accused-persons namely Satbir Kaur, Darshan Singh, Gurvinder Singh, Nirmal Singh, Narinder Singh, Surinder Kaur, Gurvinder Kaur and Jasbir Singh referred to above in original, are being sent herewith for placing before the Hon'ble Mr. Justice Raj Mohan Singh, Hon'ble Punjab & Haryana High Court, Chandigarh as directed for further proceedings."

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 admits the compromise as well as the statements made before the Judicial Magistrate 1st Class, Kharar 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 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.25 dated 05.03.2021, under Sections 323, 341, 452, 506, 148 and

149 IPC, registered at Police Station Mullanpur, District SAS 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, subject to the cost of Rs.15,000/- to be paid by the petitioners in 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, as the litigation generated by the petitioners has wasted precious time of not only this Court but also of the Court below.