

(2021) 09 P&H CK 0018

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 43319 Of 2019, 28094 Of 2021

Kali Charan @ Kala And Others

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 10-09-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 120B, 406, 420, 465, 467, 468, 471

Citation : (2021) 09 P&H CK 0018

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Rajesh Gupta, Sandeep Singh, Dinesh Sharma

Final Decision : Allowed

Judgement

Harsimran Singh Sethi, J

Present application has been filed for preponing the hearing of the main, which now stands adjourned to 02.12.2021.

Notice of the application.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of application, accepts notice on behalf of respondent No.1-State.

Mr. Dinesh Sharma, Advocate, who has also joined the proceedings through video conference, keeping in view the service of advance copy of application, accepts notice on behalf of respondent No.2.

Learned counsels for the non-applicants/respondents raises no objection for preponement of hearing of main petition i.e. , as being prayed by the applicants-petitioners.

In view of the joint request of learned counsel for the parties, the present

application is allowed and the hearing of main petition i.e. is preponed from 02.12.2021 to today.

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.146 dated 11.12.2016, registered under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Khamano, District Fatehgarh Sahib as well as for setting aside the order dated 15.09.2018 (Annexure P-2), which is also the outcome of the above stated FIR, on the basis of the compromise, which has been entered into between the parties.

While issuing notice of motion on 18.02.2020, a Coordinate Bench of this Court had passed the following order:-

"Vakalatnama filed by Mr. Dinesh Sharma, Advocate, on behalf of respondent No.2, in the Registry, is lying on file. Same is taken on record. Be tagged at appropriate place.

Petitioners are directed to deposit Rs.20,000/- as a precondition for recording the statements, out of which Rs.10,000/- shall be in/and deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh and Rs.10,000/- with the Welfare Centre for Persons with Speech and Hearing Impairment, Chandan Nagar, Sector 15, Phase-2, Behind ITI, Gurugram, Bank Account No.000434003000357, the Gurgaon Central Co-operative Bank Ltd. or Bank Account No. 1245010000518, United Bank of India. They can also opt to deposit the aforesaid amount of Rs.10,000/- with the PGIMER online through its website "www.pgimer.edu.in" and produce the receipt duly verified by their counsel. Thereafter, parties shall appear before the concerned trial Court/Illaq Magistrate after having the receipt of amount of Rs.20,000/- as above, who shall record their statements and send a report to this Court as to whether the compromise is genuine, without any pressure or undue influence and also whether any accused was declared as proclaimed offender, till the next date of hearing.

Adjourned to 31.03.2020.

Original receipts qua deposit of costs be produced in this Court on the next date of hearing.

To be shown in the urgent list."

A report has come from Sub Divisional Judicial Magistrate, Khamanon, addressed to the Registrar General of this Court dated 21.03.2020, 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 voluntary and without any pressure or undue influence and out of their own free will.

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 in question as well as order dated 15.09.2018 (Annexure P-2) alive.

Learned counsel for respondent No.2-complainant admits the compromise as well as the statements made before the Sub Divisional Judicial Magistrate, Khamanon and does not raise any objection, in case the FIR in question is quashed and the order dated 15.09.2018 (Annexure P-2) 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 as well as for setting aside the order dated 15.09.2018 (Annexure P-2).

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 pending against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR as well as for setting aside the order dated 15.09.2018 (Annexure P-2), which is the outcome of the above stated FIR on the basis of the compromise.

Thus, FIR No.146 dated 11.12.2016 registered under Sections 406, 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Khamano, District Fatehgarh Sahib and all other subsequent proceedings arising therefrom, the said FIR including order dated 15.09.2018 (Annexure P-2) are set aside, on the basis of compromise entered into between the parties.

Accordingly, the present petition stands allowed.