
(2021) 11 P&H CK 0091

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 34503, 34625 Of 2021

Sahib Singh @ Lali And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 22-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 323, 324, 326, 341, 452

Citation : (2021) 11 P&H CK 0091

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Rahul Bhargava, Ruhani Chadha, Sandeep Singh Deol

Final Decision : Allowed

Judgement

Harsimran Singh Sethi J

By this common order, two petitions are being disposed of as these petitions arise out of the same incident for which the FIR in question as well as the cross case were registered.

Present two petitions, which have been filed for quashing of FIR No.433 dated 27.12.2020 registered under Sections 323, 324, 452, 148 and 149 of the IPC at Police Station Jandiala, District Amritsar City as well as the cross GD No.021 dated 31.12.2020 registered under Sections 323, 324, 326, 341, 148 and 149 of the IPC at Police Station Jandiala, District Amritsar Rural and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

This Court while issuing notice of motion on 26.08.2021 had passed the following order:-

"Present petitions have been filed for quashing of FIR No.433 dated 27.12.2020 (Annexure P-1) registered under Sections 323, 324, 452, 148 and 149 IPC, at Police Station Jandiala, District Amritsar City as well as cross case registered vide

G.D. No.21 dated 31.12.2020 (Annexure P-1) registered under Sections 323, 324, 326, 341, 148 and 149 IPC, at Police Station Jandiala, District Amritsar City, which arise from the same incident, on the basis of compromise entered into between the parties.

Learned counsel for the parties argues that in order to live peacefully, parties have entered into compromise on 19.07.2021 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question.

Notice of motion.

Mr. V.G. Jauhar, Sr. Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State.

Adjourned to 22.11.2021.

Keeping in view the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording of their statement with regard to the compromise/settlement dated 19.07.2021 (P-3) on 04.10.2021 by moving an 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/cross-case;
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/cross-case.

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petitions, in case the FIR as well as cross case are to be quashed.

A photocopy of this order be placed on the file of connected case."

A report has come from Judicial Magistrate Ist Class, Amritsar, addressed to the Registrar (Judicial) of this Court dated 03.11.2021 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 said report is as under:-

" Pursuant to the order dated 26.08.2021 passed by the Hon'ble High Court in CRM-M-34503-2021 and CRM-M-34625-2021, report is hereby submitted to the effect that the statement complainant namely Jaswinder Singh son of Piyara Singh and Rajbir Kaur wife of Jaswinder Singh son of Piyara Singh, both residents of Village Talwandi Dogra, District Amritsar and accused Sahib Singh son of Late S. Balwinder Singh, Vikasdeep Singh @ Vicki son of Satnam Singh, Harjinder Singh son of Rattan Singh, Davinder Singh @ Kaka son of Roorh Singh and Balvinder Singh @ Bittu son of Roorh Singh, all residents of Talwandi Dogran, District Amritsar have been recorded in case bearing FIR No.433 dated 27.12.2020, under Sections 323, 324, 148, 149 of IPC, Police Station Jandiala Guru (Amritsar) as well as cross case registered vide G.D. No.21 dated 31.12.2020 registered under sections 323, 324, 326, 341, 148 and 149 IPC, Police Station Jandiala, District Amritsar City. This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any pressure, undue influence or coercion.

Following is the requisite information, as directed:-

I. As per the statement recorded by SI Tarsem Singh No.585/ASR-R, total five accused namely Sahib Singh @ Lali, Vikasdeep Singh @ Vicky, Harjinder Singh, Davinder Singh @ Kaka and Balvinder Singh @ Bittu arrayed in the present case.

II. As per the statement recorded by SI Tarsem Singh No.585/ASR-R, no accused has been declared as proclaimed offender.

III. As per the statement recorded by SI Tarsem Singh No.585/ASR-R, above said accused persons have not been involved in any other criminal case.

IV. As per the statement recorded by SI Tarsem Singh No.585/ASR-R, Jaswinder Singh is injured/victim/complainant in this case."

Learned counsel appearing for the respective parties submits that the parties to the dispute have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR as well as cross G.D. No.21 alive, hence, the same may kindly be quashed on the basis of said 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 cross G.D. No.21 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 joint prayer of the parties for quashing the FIR as well as cross G.D. No.21 on the basis of the compromise.

Thus, the FIR No.433 dated 27.12.2020 registered under Sections 323, 324,

452, 148 and 149 of the IPC at Police Station Jandiala, District Amritsar City as well as the cross G.D No.021 dated 31.12.2020 registered under Sections 323, 324, 326, 341, 148 and 149 of the IPC at Police Station Jandiala, District Amritsar Rural and all other subsequent proceedings arising therefrom are quashed qua the petitioners in respective petitions, on the basis of compromise entered into between the parties.

The above order, quashing of FIR as well as cross G.D No.21, will be subject to the payment of Rs.15000/- as cost in each petition by the petitioners, 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.