
(2021) 09 P&H CK 0014

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 19086 Of 2021

Satnam Singh And Others

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 09-09-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 34, 323, 324, 326, 458

Citation : (2021) 09 P&H CK 0014

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : H.S. Aujla, Sandeep Singh Deol, Navdeep Singh Dhillon

Judgement

Harsimran Singh Sethi, J

Present petition has been filed under Section 482 Cr.P.C for quashing of FIR No.31 dated 14.03.2020, registered under Sections 323, 324, 458 and 34 IPC (Section 326 IPC added later on), at Police Station Sadar Rampura, District Bathinda, on the basis of the compromise, which has been entered into between the parties.

While issuing notice of motion on 01.07.2021, a Coordinate Bench of this Court had passed the following order :-

"Case taken up through video conferencing.

This petition under Section 482 Cr.P.C. for quashing of FIR No.31 dated 14.03.2020, for offences under Sections 323, 324, 458 and 34 IPC (Section 326 IPC added later on), registered with Police 1 of 4 Station Sadar Rampura, District Bathinda along with all subsequent proceedings arising therefrom, has been filed by petitioners Satnam Singh, Babu Singh @ Gurpreet Singh and D.C. Singh, on the basis of compromise dated 15.03.2021, said to have been arrived between them and complainants Sukhchain Singh and Sukhvair Singh, arrayed as respondents No.2 and 3 in the instant petition.

It is stated by learned counsel for the petitioners that the petitioners have since joined the investigation and have been granted the concession of bail and further on completion of investigation, the challan has been filed against them in the Court but the charge has not yet been framed in the trial Court, where the next date of hearing fixed is 01.09.2021. He has further submitted that the injury which has been declared to be grievous in nature is on a non-vital part i.e. on the hand of the victim.

Notice of motion.

Mr. J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent-State, whereas, Mr. N.S. Dhillon, Advocate has appeared on behalf of respondents No.2 and 3. Learned counsel for respondents No.2 and 3 has conceded the factum of the matter having been compromised between the parties, vide compromise dated 15.03.2021, copy Annexure P-2.

Whereas, learned State counsel, on instructions from ASI Gurdev Singh has informed that the petitioners do not have any past criminal record.

Under the circumstances, the parties are directed to appear in the trial Court within one month from today and the trial Court is to record the statements of the affected persons i.e. complainants and accused and then to report whether the parties have entered into compromise voluntarily without any threat or coercion. The trial Court is also to report whether any of the parties has been declared as proclaimed offenders.

Report be submitted to this Court by the next date of hearing fixed as 09.09.2021.

The State counsel shall also get the genuineness of the compromise verified and inform the Court in that regard."

A report has come from the Sub-Divisional Judicial Magistrate, Phul, addressed to the Registrar General of this Court dated 10.08.2021, wherein, the following has been mentioned: -

"1. The compromise effected between the parties appears to be genuine and valid and without any coercion or undue influence. Statements of parties were duly recorded before the undersigned and they were duly identified by their respective counsel.

2. As per the statement of ASI Lakhwinder Singh No.725/BTI, P.S. Sadar Rampura no accused has been declared proclaimed offender."

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 alive.

Learned counsel for respondent No.2-complainant admits the compromise as well as the statements made before the Sub Divisional Judicial Magistrate, Phul 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.31 dated 14.03.2020, registered under Sections 323, 324, 458 and 34 IPC (Section 326 IPC added later on), at Police Station Sadar Rampura, District Bathinda 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.15,000/- as costs, to be deposited with Prabh Asra, Bank Account No.014894600000970, Yes Bank Branch, SCO 151/152, Sector 9-C, Chandigarh by the petitioners.