
(2021) 09 P&H CK 0063

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 29205 Of 2021

Sukhdev Singh And Another

APPELLANT

Vs

State Of Punjab And Another

RESPONDENT

Date of Decision : 29-09-2021

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 419, 420, 465, 467, 468, 471

Citation : (2021) 09 P&H CK 0063

Hon'ble Judges : Harsimran Singh Sethi, J

Bench : Single Bench

Advocate : Sandeep Singh Deol, Umesh Aggarwal

Judgement

Harsimran Singh Sethi, J

In the present petition, the prayer of the petitioners is for quashing of FIR No.250 dated 17.07.2016 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC at Police Station A-Division, District Amritsar and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

Learned counsel for the petitioners submits that in order to live peacefully, the parties have entered into a written compromise, copy of which has been appended as Annexure P-2 with this petition and according to the said terms and conditions of the compromise, the complainant has no objection, in case, the present FIR is quashed.

The Coordinate Bench of this Court while issuing notice of motion on 28.07.2021 had passed the following order:-

"Case taken up through video conferencing. Petitioners Sukhdev Singh and Iqbal Singh, both of them being accused in FIR No.250 dated 17.7.2016, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered with Police Station A-Division, District Amritsar have filed this petition for quashing of FIR

and other ancillary proceedings, on the basis of compromise. It is stated by learned counsel for the petitioners that petitioners have since joined the investigation and on its completion challan has been filed in the Court and the next date fixed in the trial Court is 2.9.2021 for the purpose of consideration on the point of framing of charge.

Notice of motion.

Mr.J.S. Ghuman, DAG, Punjab, accepts notice on behalf of respondent - State. Sh.Pulkit Dagar, Advocate has also appeared on behalf of complainant arrayed as respondent No.2 in this petition and he admits the factum of matter having been compromised between the petitioners and respondent No.2.

Under the circumstances, the parties are directed to appear before learned trial Court within one month from today and the trial Court is to record the statements of the affected persons i.e. complainant 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 29.9.2021.

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

A report has come from Judicial Magistrate Ist Class, Amritsar, addressed to the Deputy Registrar (Criminal) of this Court dated 16.09.2021 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 report of the Judicial Magistrate Ist Class, Amritsar is as under:-

"With reference to the subject cited above, it is most humbly submitted that in compliance with the order dated 28.07.2021 passed in CRM-M-29205 of 2021, titled as "Sukhdev Singh and another versus State of Punjab and another", complainant Surjit Kaur wife of late Gyan Singh, appeared in the court and got recorded her individual statement to the effect that an FIR no. 250 dated 17.07.2016, under Section 419/420/465/467/468/471/120-B IPC was registered at Police Station 'A-Division', Amritsar at her instance against accused Sukhdev Singh son of Dharam Singh and Iqbal Singh son of Sawinder Singh. Now, the matter has been compromised between them and accused, voluntarily, without any threat, coercion or undue influence and he has no objection if the FIR of the present case is quashed.

The accused/petitioners Sukhdev Singh and Iqbal Singh, also appeared in the court and got recorded their individual statements that the present case has been got registered against them at the instance of complainant Surjit Kaur and

now the matter has been compromised between them, voluntarily without any threat or coercion. They further stated that they have never been declared as proclaimed offenders.

The statement of ASI Raj Kumar No. 1840, Amritsar City has been recorded, in which he stated that the present case was got registered at the instance of complainant Surjit Kaur wife of late Gyan Singh against accused Sukhdev Singh and Iqbal Singh. He further stated that accused have never been declared proclaimed offenders and no other criminal case is pending against them.

In the matter in question as per statement of ASI Raj Kumar, complainant Surjit Kaur got registered the present case against accused Sukhdev Singh and Iqbal Singh. He further stated that accused of this case have never been declared as proclaimed offenders and no PO proceedings are pending against them. Complainant Surjit Kaur as well as accused Sukhdev Singh and Iqbal Singh, appeared in the court and all of them got recorded their individuals statements with regard to compromise with each other. On the basis of the statements suffered by the parties in the court, it appears that the compromise is genuine, voluntary without any threat or coercion. No accused has been declared as proclaimed offender, nor any PO proceedings are pending against them. The parties were identified by the learned counsel for the parties.

Aforementioned report is forwarded for kind information and necessary action please."

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 the respondent No.2-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Amritsar 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.250 dated 17.07.2016 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC at Police Station A- Division, District Amritsar 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.15000/- as costs, 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.