

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.37801 of 2014 (O&M)
Date of Decision: 12.03.2015

Sita Ram & Others

.....Petitioners

Vs

State of Punjab & Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ramesh Chand Sharma, Advocate
for the petitioners.

Mr Varun Sharma, AAG Punjab
for the respondent-State.

Mr. Pritpal Singh, Advocate
for the respondent No.2.

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

RAJ MOHAN SINGH, J. (Oral)

Prayer in the present petition, filed under Section 482 of the Cr.P.C is for quashing of FIR No.319 dated 27.12.2014 (Annexure P-1) registered under Sections 419, 420, 467, 468, 471, 120-B IPC, Police Station City Abohar, District Ferozepur, on the basis of a compromise dated 11.11.2014 (Annexure P-2) arrived at between the parties.

This Court vide order dated 24.12.2014, directed both the parties to appear before the trial Court on the date fixed for the purpose of getting their statements recorded with regard to genuineness of the compromise in question. In pursuance thereof, both the parties appeared before Sub Divisional Judicial Magistrate, Abohar and made their statements. Sub Divisional Judicial Magistrate, Abohar has also submitted his report dated 13.01.2015 along with statement of both the parties.

The complainant made statement on 07.01.2015 to the effect that he has compromised the issue with accused Sita Ram, Bihari Lal and Lichma @ Lachmi and the compromise in question is on account of his free will, without fear, coercion or force of any type. The complainant has prayed that in order to maintain peace, public tranquility and amicable relation between the parties, FIR in question be quashed.

Statements of accused persons namely Bihari Lal, Sita Ram and Lichma @ Lachmi have also been recorded to this effect by the Sub Divisional Judicial Magistrate, Abohar.

On the basis of aforesaid compromise and statements got recorded by the parties, Sub Divisional Judicial Magistrate, Abohar also satisfied himself with regard to authenticity and genuineness of the compromise in question and made the following report:-

"In accordance with directions of Hon'ble Punjab and Haryana High Court in afore cited criminal Misc. petition this court has taken up file of case titled as State versus Sita Ram etc.,

arising out of FIR No.319 dated 27.12.2004, under Sections 420, 419, 467, 468, 471, 120-B of IPC, police station City Abohar, on 07.01.2015 for recording the statements of parties on alleged compromise. The said case has been registered against the accused namely Sita Ram son of Ami Chand, Lachhmi Devi wife of Sita Ram residents of New Suraj Nagari, Abohar and Bihari Lal son of Ami Chand resident of Partap Nagar, street no.2, Faridkot Road, Kotakpura at the instance of Lal Chand son of Ami Chand resident of Kala Tibba police station Sadar Abohar. Vide separate statement as recorded before court it is stated by complainant that present case was registered at his instance and now due to intervention of panchayat he has compromised with the accused with his free consent without any fear, coercion or force. The complainant has further stated that in order to live peacefully in the society and having amicable relation with the accused, the present FIR may be quashed. Whereas accused Bihari Lal and Lichma @ Lachhmi and accused Sita Ram, vide their separate statement as recorded before this Court, have admitted the factum of compromise so effected between them and the complainant Lal Chand and prayed for quashing of the FIR in question.

The afore mentioned FIR has been registered against the accused named above on the allegations that before 24.01.2004 the accused impersonated complainant and caused him wrongful loss by forging his and signatures of marginal witnesses for getting the sale deed executed of the plot of complainant. However, now the parties have finally entered into mutual settlement whereby they have effected compromise among them.

On query by the Court from the complainant as well as accused regarding any criminal proceedings pending against them, complainant as well as accused Bihari Lal and Lichma @ Lachhmi vide their statements recorded before the Court have replied the same in negative. However, accused Sita Ram has stated that no criminal proceedings are pending against him but he is convicted in

another case U/s 326 of IPC for which he is undergoing sentence at Central Jail, Ferozepur.

In the said back ground keeping in view the statements so suffered by the complainant as well as the accused, it seems that the compromise so effected between the parties is volunteer, genuine without any sort of undue pressure, influence or force.”

This Court has considered the nature of accusation forming subject matter of FIR. In order to allow the parties to live in peace and maintain public peace and tranquility, it would be in consonance with justice to allow them to bury their differences. First hour justice is the hour of compromise and therefore, on the strength of **Kulwinder Singh versus State of Punjab 2007 (3) RCR (Criminal) 1052**, this petition is allowed.

Resultantly, FIR No.390 dated 27.12.2014 (Annexure P-1) registered under Sections 419, 420, 467, 468, 471, 120-B IPC, Police Station City Abohar, District Ferozepur, along with entire subsequent proceedings, if any, undertaken stands quashed.

[Raj Mohan Singh]
Judge

12.03.2015
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