

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

**CRM No. M-28982 of 2016 (O&M)
Date of decision: 14.12.2016**

Chaman Lal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. B.D. Sharma, Advocate,
for the petitioner.

Mr. A.P.S. Gill, AAG, Punjab.

Ritu Bahri, J.

Quashing of FIR No. 05 dated 01.01.2014, under Sections 447, 427, 354, 506 IPC, registered at Police Station, Maqsudan, Jalandhar (Annexure P-1) is sought on the basis of compromise dated 01.08.2016 (Annexure P-2).

The F.I.R was registered on the basis of complaint made by Banarso Sondhi-respondent No.2 (complainant) to the effect that she has three daughters. Her husband has already died. There was no male member in her family. She is owner in possession of Plot No.279, Swaran Park, near village Gadiapul, Police Station Maqsudan, District Jalandhar, whereas Chaman Lal-petitioner is owner of Plot Nos.278 and 280 in the same locality. However, he had encroached upon four feet boundary wall of the complainant. The matter was reported to the police, where a compromise

was effected. As per compromise, accused-petitioner had to returned her land by constructing boundary wall and DPC. On 19.12.2013, complainant, along with her daughter Bindu (respondent No.3) visited at her plot and asked Chaman Lal & Hari Pal, property dealer to construct her boundary wall and DPC. However, they committed bad acts and physically assaulted her daughter Bindu. In this background, the FIR was registered.

During the pendency of trial, with the intervention of respectable persons, the matter has been compromised between the parties vide compromise deed dated 01.08.2016 (Annexure P-2).

In compliance with the orders dated 22.08.2016 passed by this Court, parties got recorded their statements before the trial Court/Illaq Magistrate. Report from the Judicial Magistrate Ist Class, Jalandhar, has been received in this regard. As per report, Banarso Sondhi-respondent No.2 (complainant) made her statement on 16.09.2016 to the effect that she has compromised the matter with accused-petitioner out of her own free will and without any coercion or pressure. She has no objection if, the above said FIR is quashed. Bindu Sondhi-respondent No.3 (daughter of complainant) also made her statement while admitting the factum of compromise. Separate statement of Chaman Lal-petitioner was also recorded to the same effect. In view of separate statements given by the parties, the court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429, the law laid down by the Full Bench of this Court in the case of Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (CrL.) 1052, this Court is of the view

that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 05 dated 01.01.2014, under Sections 447, 427, 354, 506 IPC, registered at Police Station, Maqsudan, Jalandhar, is quashed with all consequential proceedings arising therefrom qua the petitioner.

The petition stands disposed of accordingly.

14.12.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No