

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

**CRM-M No.12497 of 2018 (O&M)
Date of Decision: 11.05.2018**

Madan Lal and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Digvijay Nagpal, Advocate for the petitioners.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab
for respondent No.1/State.

Mr. Sanjeev Kumar, Advocate for
Mr. Sunil Kumar, Advocate for respondent No.2.

Mr. Gaurav Gupta, Advocate for respondent Nos.3 to 5.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.141 dated 02.09.2017 (**Annexure P-1**), under Sections 324, 323, 325, 148 and 149 of the Indian Penal Code, registered at Police Station City Malout, District Sri Muktsar Sahib along with all consequential proceedings arising therefrom on the basis of compromise and affidavit dated 19.03.2018 (**Annexures P-2 to P-6**) entered into between the parties.

This Court, on 20.04.2018, passed the following order:-

“ Mr. Gaurav Gupta, Advocate put in appearance on behalf of respondents No.3 to 5 and filed his memo of appearance, which is taken

on record. Power of attorney be filed with the Registry before the next date of hearing.

It is jointly stated by learned counsel for the petitioners as well as respondents No.2 to 5 that the matter has been compromised between the parties, vide compromise dated 19.03.2018 (Annexure P-2) and they are ready to get their statements recorded before the learned trial Court.

Parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 27.04.2018 to get their statements recorded with regard to compromise/settlement. The Illaqa Magistrate/trial Court is directed to submit a report to this Court on or before the next date of hearing containing the following information:-

- i. Number of persons arrayed as accused in FIR.*
- ii. Whether any accused is proclaimed offender.*
- iii. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

List on 11.05.2018.

Meanwhile, learned State counsel shall get the instructions in the matter. ”

In terms of above order, the statements of both the parties were recorded by learned Sub Divisional Judicial Magistrate, Malout, District Sri Muktsar Sahib and submitted a report dated 01.05.2018. The operative part of the same reads as under:-

' The matter has been amicably sorted out between them and the complainant and injured/witnesses namely Subash Chander, Gulshan Kumar and Rohit Kumar. They have no grudge with the complainant. The compromise has been arrived at voluntarily without any pressure, coercion, with the other party and with our their sweet will. They have not been declared proclaimed offender in the present case. The FIR of the present case may kindly be quashed. This court is satisfied that aforesaid statements made by complainant and accused are voluntarily and without any threat or any undue influence and the compromise effected between the parties is genuine and accused who are four in number have not been declared proclaimed offender. Report is hereby sent to your good-self office

along with copies of statements of complainant and accused as required in compliance to the order of Hon'ble High Court. '

A perusal of the aforesaid report clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence. Even before this Court also, there is no objection by either of the parties in case the FIR is quashed. Even learned State Counsel, on instructions from ASI Rashpal Singh, P.S. City Malout, has also no objection in case the aforesaid FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties in this case.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity and thus quashing of FIR in question along with all consequential proceedings on the basis of compromise would bring peace and harmony to secure the ends of justice. Consequently, the present petition is allowed and the aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

Disposed off accordingly.

May 11, 2018

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned	Yes
<i>Whether Reportable</i>	<i>Yes</i>