

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

**CRM-M No.16169 of 2018
Date of Decision: 15.12.2018**

Palwinder Singh Kahlon and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. H.S. Dhandi, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, Asstt. A.G., Punjab.

Mr. Gurpreet Singh, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Petitioner No.2 is present in the Court and duly identified by Mr. H.S. Dhandi, Advocate.

Present petition has been filed praying for quashing of FIR No.164 dated 06.04.2009 (**Annexure P-1**), under Sections 420 and 120-B of the Indian Penal Code, registered at Police Station Kotwali Patiala, District Patiala along with all consequential proceedings arising therefrom on the basis of compromise dated 11.01.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

While issuing notice of motion, this Court on 20.04.2018 passed the following order:-

“Prayer made in this petition is for quashing of FIR No.164 dated 06.04.2009 registered under Sections 420, 120-B IPC

at Police Station Kotwali, Patiala on the basis of compromise.

Notice of motion for 13.07.2018.

In the meanwhile, parties are directed to appear before the trial Court/Ilaqa Magistrate on 01.05.2018 and the trial Court/Ilaqa Magistrate, after recording their statements, shall submit its report with regard to genuineness of the compromise viz-a-viz. number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not, on or before the adjourned date. ”

In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Patiala and submitted a report dated 03.11.2018. The operative part of the same reads as under:-

' In view of the statements of the parties recorded before this Court and as mentioned in detail above and from the record, it is hereby reported that:-

(i) The parties have arrived at a compromise voluntarily and out of free will and parties have rendered the statements before the court out of their free will and volition as per which, the compromise between the parties is genuine, voluntarily and out of free will of the parties.

(ii) Only two accused namely Palwinder Singh Kahlon and Rakesh Rihani @ Captain are involved in the present case FIR and no accused has been declared proclaimed offender in the present case.'

A perusal of the 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 Mukhtiar Singh who is present in the Court, 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 offence is entirely personal in nature and does not involve any public funds 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 subject to payment of costs of Rs. 10,000/- with the Bar Association of Punjab and Haryana High Court Chandigarh by petitioner No.2 during the course of the day and receipt be shown to the Bench Secretary of this Court failing which the shall stands dismissed.

December 15, 2018

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>