

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

**CRM-M No.17315 of 2018
Date of Decision: 20.11.2018**

Varinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.Bhavesh Aggarwal, Advocate for
Mr.Ashish Aggarwal, Advocate for the petitioners.

Mr.Sandeep Kumar, DAG, Punjab, for respondent No.1.

Mr.Subhash Mehta, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.286 dated 01.12.2017 (**Annexure P-1**), under Sections 457, 380 and 511 of the Indian Penal Code, registered at Police Station Division E, District Amritsar City, along with all consequential proceedings arising therefrom on the basis of compromise dated 19.04.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

This Court, on 26.04.2018, passed the following order:-

“Ld. counsel for the petitioner refers to Annexure P-2, and states that the matter has been amicably settled between the parties.

Notice of motion.

At this stage, Mr. D.S. Gandhi, Advocate has put in appearance and filed power of attorney on behalf of respondent No.2-complainant and admits the factum of compromise.

In this view of the matter, the parties shall appear before the Trial Court/Illaq Magistrate on 21.05.2018, for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaq Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

List on 31.07.2018.”

In terms of above order, the statements of the parties were recorded by learned Addl. Chief Judicial Magistrate, Amritsar and submitted a report dated 23.05.2018. The operative part of the same reads as under:-

“This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court voluntarily and without any pressure, undue influence or coercion. It is further submitted that as per statement of the complainant, only two persons namely Varinder Singh and Harpreet Singh are arrayed as accused in the present FIR and they have never been declared proclaimed offenders, at any stage. The compromise is genuine, voluntarily and out of free will of the parties.”

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.

Learned State Counsel, on instructions from ASI Sarwan Singh, has acknowledged the above fact and further stated that he has no objection in case

the present FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties. Even before this Court also, there is no objection by either of the parties in case the present FIR is quashed.

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.

November 20, 2018

Anjal

**(MAHABIR SINGH SINDHU)
JUDGE**

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