

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

251

CRM-M No.176 of 2017

Date of Decision: May 16th, 2018

Jaswinder Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Prashant Vashisth, Advocate
for the petitioners.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

Mr. V.K. Kaushik, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.159 dated 22.07.2015 registered under Sections 365, 384, 120-B of IPC at Police Station Division No.8, Jalandhar City, and all consequential proceedings arising therefrom, on the basis of a compromise dated 18.03.2016 (Annexure P-2).

On 21.02.2017, following order was passed:-

“Notice of motion.

On asking of the Court, Mr. Gurinder Jit Singh, Deputy Advocate General, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to him.

Mr. V.K. Kaushik, Advocate has put in appearance on his own on behalf of respondent No.2. He is directed to file his Power of Attorney on the next date of hearing.

In the light of contentions that the parties have since then effected compromise, they are directed to put in appearance before the Illaqa Magistrate/concerned Court, Police Station Division No.8, Jalandhar City, District Jalandhar within 15 days from today to record their statements and the Illaqa Magistrate/concerned Court shall make report as to its satisfaction and submit it back before

the next date of hearing. The Magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 24th August, 2017.”

In pursuance to the said order, parties appeared before the Judicial Magistrate Ist Class, Jalandhar, on 06.03.2017 and got recorded their respective statements.

On going through the statements of the parties, the learned Judicial Magistrate Ist Class, Jalandhar, has submitted a report dated 18.08.2017, wherein it has been stated that the compromise entered into between the parties is with their free consent and without any pressure, coercion, undue influence and inducement from any quarter. The said compromise seems to be genuine and voluntary.

Counsel for the petitioners, on the basis of the report referred to above and the compromise which has been entered into between the parties, which is acknowledged in the affidavit dated 18.03.2016 (Annexure P-2) of the complainant, prays that the present petition may be allowed.

Counsel for the complainant acknowledges the factum of compromise and further states that the complainant has no objection if the FIR and all consequential proceedings arising therefrom are set at naught as the complainant does not want to pursue the FIR which was recorded at his behest.

In view of the above facts and circumstances, this Court is satisfied that the compromise which has been entered into between the parties is genuine and, therefore, the matter having been amicably resolved, it would be in the interest of justice that the dispute is no further allowed to

simmer to a situation where it may again flare up the dispute. The present petition, therefore, deserves to be allowed keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017.

Ordered accordingly.

FIR No.159 dated 22.07.2015 registered under Sections 365, 384, 120-B of IPC at Police Station Division No.8, Jalandhar City, and all consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

May 16th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No