

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

**CRM-M No.18544 of 2018 (O&M)
Date of Decision: 14.11.2018**

Naresh Kumar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.K.Choudhary, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab
for respondent No.1/State.

Mr. S.K.Arya, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.15 dated 18.02.2017 (**Annexure P-1**), under Sections 279, 337, 338, 427 of the Indian Penal Code, registered at Police Station Shahpur Kandi, District Pathankot along with all consequential proceedings arising therefrom on the basis of compromise dated 04.04.2018 (**Annexure P-2**) entered into between the parties i.e. petitioner as well as respondent No.2.

This Court, on 03.05.2018, passed the following order:-

“ Prayer made in this petition is for quashing of FIR No.15 dated 18.02.2017 registered under Sections 279, 337, 338, 427 IPC at Police Station Shahpur Kandi, District Pathankot on the basis of compromise.

Notice of motion for 01.08.2018.

Mr. S.K. Aryaan, Advocate appears on behalf of the complainant.

In the meanwhile, parties are directed to appear before the trial Court/Illaqa Magistrate on 17.05.2018 and the trial Court/Illaqa 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 above order, the statements of the parties were recorded by learned Chief Judicial Magistrate, Pathankot and submitted a report dated 31.05.2018. The operative part of the same reads as under:-

“ Keeping in view all aspects and statements of complainant and the accused, the under-signed is of the considered view that statements of appearing parties are not the result of any pressure or coercion or undue influence and their compromise is voluntary. As per record, one person namely Naresh Kumar is involved in this case and as per record, accused is not declared as Proclaimed offender in this case FIR, till date. ”

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 the police official present in the Court, 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 14, 2018
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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