

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33767-2016

Date of decision:- 30.04.2018

Ranjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajit Singh, Advocate
for Mr. S.K. Garg, Advocate, for the petitioner.

Mr. Amitoj S. Dhaliwal, DAG, Punjab.

Mr. P.S. Bhinder, Advocate
for Mr. Amardeep Singh Mann, Advocate
for respondent No.3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing FIR No.118 dated 08.08.2016, under Sections 353, 186 and 160 IPC, registered at Police Station Dayalpura at Bhagta Bhai Ka, Tehsil Phul, District Bathinda, on the basis of compromise entered into between the parties.

2. On 01.02.2018, the following order was passed by this Court:-

“Learned State counsel on instructions from HC Paramjit Singh has stated that initially FIR was registered under Sections 353, 186, 160 but later on Sections 353 and 186 IPC have been deleted.

It has been pointed out that the matter has been compromised

between the parties.

In view of the above, parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 26.2.2018 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 6.3.2018.”

3. In terms of order dated 01.02.2018, Sub-Divisional Judicial Magistrate, Phul, recorded the statements of both the parties and submitted a report dated 05.03.2018 and operative part of the same reads as under: -

“The above statements of parties have been recorded in presence of counsel. This Court is fully satisfied that compromise between the parties has been effected voluntarily without any pressure, threat or coercion.”

4. A perusal of the report reveals that the compromise entered into between the parties is genuine, voluntarily, without any pressure and coercion. Even before this Court also, the parties are not disputing the factum of compromise arrived at between them.

5. Learned State counsel, on instructions from ASI Gurdev Singh, states that the cancellation report has already been submitted in this case. On a specific query put to him by the Court, he states that he has no objection with regard to quashing of the FIR as well as all other consequential proceedings on the basis of the compromise effected between the parties.

6. In view of the 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. Accordingly, the impugned FIR and all consequential proceedings resulting therefrom, qua petitioner, are hereby quashed.

7. Petition is allowed.

(MAHABIR SINGH SINDHU)
JUDGE

April 30, 2018
naresh.k

Whether reportable?	Yes
Whether reasoned/speaking?	Yes