

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

**CRM-M No.37784 of 2017 (O&M)
Date of Decision: 14.11.2018**

Ajay Kumar Batta and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tribhawan Singla, Advocate for the petitioners.

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

Mr. Manish Kumar Singla, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.117 dated 27.04.2017 (**Annexure P-1**), under Sections 420, 465, 467, 471, 34 of the Indian Penal Code, registered at Police Station City Barnala, District Barnala along with all consequential proceedings arising therefrom on the basis of compromise dated 22.08.2017 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

This Court, on 14.05.2018, passed the following order:-

“ *Learned counsel for both the parties jointly stated that the matter has been compromised between the parties, vide compromise (Annexure P-2) and they are ready to get their statements recorded before the learned trial Court.*

Parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 28.05.2018 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 10.07.2018.

Meanwhile, learned State counsel shall get the instructions in the matter. ”

In terms of aforesaid order, the statements of both the parties were recorded by learned Chief Judicial Magistrate, Barnala and submitted a report dated 04.07.2018. The operative part of the same reads as under:-

' This Court, after hearing the parties in person and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties i.e. complainant and accused is genuine, voluntary and without any coercion or undue influence and statements recorded by the complainant as well as accused are genuine, voluntary and no result of any coercion or undue influence. The statements recorded by the parties are enclosed herewith. Further investigating officer disclosed that three persons namely Ajay Kumar Batta, Bharat Bhushan Puri and Gurdeep Singh were arrayed as accused in the FIR and that no accused has been declared proclaimed offender in this case. (Statement of I.O. ASI Jasvir Singh recorded and attached with the report). '

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 the police official 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.

November 14, 2018

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**(MAHABIR SINGH SINDHU)
JUDGE**

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