

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

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CRM-M No.40111 of 2017
Date of Decision: March 12th, 2018

Sukhwinder Singh @ DC and another

.....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amit Kumar Walia, Advocate
for the petitioners.

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

Mr. Harpal P.S. Chopra, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.139 dated 20.08.2017 registered under Sections 452, 323, 506, 148, 149 of IPC, at Police Station Dirba, District Sangrur, and all consequential proceedings arising therefrom on the basis of a compromise dated 07.10.2017 (Annexure P-2).

The case came up for hearing before this Court on 28.11.2017, when following order was passed:-

“Mr. Harpal Preet Singh Chopra, Advocate has appeared and filed power of attorney on behalf of respondent Nos.2 and 3.

Learned counsel for the petitioners as well as learned counsel for respondent Nos.2 and 3 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial Court where the case is pending on 15.12.2017 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court, is

directed to send the report regarding the genuineness of compromise on or before the date fixed i.e. 10.01.2018.

A copy of this order be sent to learned trial Court, through fax, for compliance.”

As the parties could not appear before the Illaqa Magistrate on the date fixed. On 10.01.2018, this Court directed the parties to appear before the Court on 15.02.2018 for recording of their statements. In compliance with the said order, parties appeared before Judicial Magistrate Ist Class, Sunam, where their statements were recorded. On the basis of the statements given by the parties, learned Judicial Magistrate Ist Class, Sunam, has come to the conclusion that the parties have arrived at a compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter and, therefore, it is a genuine compromise with an intention to eliminate bitterness and acrimony between the parties and to restore cordial relations.

Counsel for the petitioners and the complainant as also the affected party-respondent No.3 state that the present petition be allowed and the FIR be quashed as the intent of the parties is for amicable resolution of the dispute so that there is no grievance left out.

Keeping in view the fact that the parties have entered into a compromise dated 07.10.2017 (Annexure P-2) which has been found to be genuine as per the report of Judicial Magistrate Ist Class, Sunam, dated 12.02.2018, the present petition deserves to be allowed, especially when the complainant and the affected party-respondent No.3 have no objection to the quashing of the FIR as they do not intend to pursue the same with an intent to avoid, eliminate bitterness and restore cordial relations.

Keeping in view the facts and circumstances of the present case and 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, the present petition is allowed and FIR No.139 dated 20.08.2017 registered under Sections 452, 323, 506, 148, 149 of IPC, at Police Station Dirba, District Sangrur, and all consequential proceedings arising therefrom, are hereby quashed.

March 12th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No