

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

**CRM-M No.43979 of 2018 (O&M)
Date of Decision: 14.12.2018**

Jatinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Jigyasa Tanwar, Advocate for the petitioner.

Mr. Ashok Kumar Singla, Sr. DAG, Punjab
for respondent No.1/State.

Mr. Tejinder Pal Singh, Advocate for
Ms. Narender Kaur, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.30 dated 09.04.2015 (**P-1**), under Sections 454 and 380 of the Indian Penal Code, registered at Police Station Khamanon, District Fatehgarh Sahib along with all consequential proceedings arising therefrom on the basis of compromise dated 20.03.2018 (Annexure P-4) entered into between the parties i.e. petitioner as well as respondent No.2.

This Court, while issuing notice of motion on 05.10.2018, passed the following order:-

“ This is a petition for quashing of FIR on the basis of compromise. It is stated that trial is going on.

Notice of motion for 14.12.2018.

At this stage, Ms. Narender Kaur, Advocate has appeared on behalf of respondent No.2 -complainant. She admits the factum of compromise between the parties.

The parties are directed to appear in the trial Court within one month from today, so as to get their statements recorded regarding compromise. The trial Court is to ensure that the statements of the complainant as well as accused, are recorded and then to report whether it has been so done voluntarily, without any threat or coercion. The trial Court is to further report regarding genuineness of the compromise. It be also reported whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by the next date of hearing. ”

In terms of above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate, Khamanon and submitted a report dated 20.11.2018. The operative part of the same reads as under:-

“ It is further submitted that from the above statements of the parties so recorded by me, the compromise arrived at between the parties apparently appears to be a genuine compromise and is the voluntary act of the parties without there being any sort of pressure, threat or coercion from any corner. As per statement of the complainant as well as of the accused, no other case between the accused and complainant is pending and no accused including accused Jatinder Singh or complainant has been declared as Proclaimed Offender in the present case. ”

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.

It has also been pointed out that three main accused, namely, Rajiv Kumar, Sanjiv Kumar and Sudhir Kumar filed CRM-M No.27976 of 2015 for quashing of the FIR in question on the basis of compromise and the said petition was allowed, vide order dated 07.09.2016 (P-2).

Learned State Counsel, on instructions from ASI Jastej Pal Singh, 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 petitioner.

December 14, 2018

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**(MAHABIR SINGH SINDHU)
JUDGE**

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