

CRM-M No.44885 of 2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.44885 of 2018 (O&M)

Date of Decision : 18.12.2018

RAJINDER SINGH

....PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Gurmeet Singh, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab for respondent No.1.

Mr. Karan Singh, Advocate for
Mr. Nirmaljeet Singh Sidhu, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.151 dated 20.05.2015 (Annexure P-1), under Sections 406, 420, 120-B of the Indian Penal Code registered at Police Station City Khanna, Police District Khanna, District Ludhiana along with all consequential proceedings on the basis of compromise dated 05.10.2018 (Annexure P-3) entered into between the parties.

This Court, while issuing notice of motion on 15.11.2018, passed the following order:-

“Present petition has been filed praying for quashing of FIR No.151 dated 20.05.2015, under Sections 406, 420 and 120-B of the Indian Penal Code, registered at Police Station City Khanna, Police District Khanna, District Ludhiana along with all

consequential proceedings on the basis of compromise dated 05.10.2018 entered into between the parties.

Learned State Counsel, on instructions from ASI Sukhwinder Singh, has stated that petitioner has joined the proceedings and he is no more the proclaimed offender in this case.

Petitioner as well as respondent No.2 are present in the Court and they are identified by their respective Counsels and jointly stated that the matter has been amicably settled by the parties.

*In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on **28.11.2018** to record their statements with reference to the compromise, if any, entered into between them.*

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the statements to this Court before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner?*
- (ii). Whether the compromise effected between the parties is genuine and valid?*
- (iii). Whether all the accused, complainant and injured are party to the compromise and if not, the details/particulars of such person(s).*
- (iv). Whether any other case is pending against either of the parties or not, if yes, the details thereof.*
- (v). Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.*

*List before this Court on **18.12.2018** for further consideration.*

Meanwhile, learned State Counsel shall also get the instructions in the matter as to whether the State has any objection or not?

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Copy of this order be sent to learned Judicial Officer concerned forthwith for information and compliance.”

In terms of above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate, Khanna and submitted a report dated 04.12.2018. The operative part of the same reads as under:-

“From the perusal of statement of parties, it transpires that the statement of the parties are bonafide and are not result of any pressure or coercion etc. in any manner. It further transpires that the compromised effected between the parties is genuine and valid and the same is voluntarily and with their own free will. It is further submitted that as per the report of ahlmad and statement of the parties no other case is pending between them. It is further submitted that as per the report of ahlmad no person involved in the present case have been declared as proclaimed offender. It is further submitted that perusal of the case file shows that the other accused namely Gurpreet Singh, Naib Kaur and Harvinder Kaur @ Binder Kaur has already been discharged in the present case vide order dated 3.10.2016 as the present FIR alongwith consequential proceedings was quashed against them by the Hon’ble Punjab and Haryana High Court in CRM-No-7435 of 2016 vide order dated 2.9.2016. It is further submitted that perusal of the FIR no.151 of 2015 shows that the FIR was lodged against accused Rajinder Singh, Gurpreet Singh, Naib Kaur and Binder Kaur. It is further submitted that the remaining accused Rajinder Singh and the complainant are the party to the present compromise and there is no other injured 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.

Learned State Counsel, on instructions, has acknowledged the

above fact and further stated that he has no objection in case the present FIR as

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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 involve any public funds/money 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.

(MAHABIR SINGH SINDHU)
JUDGE

December 18, 2018

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No