

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

**CRM-M No.45046 of 2017(O&M)
Date of Decision: 15.12.2018**

SUKHCHAIN SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Raghav Gulati, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, Asstt. A.G., Punjab.

Ms. Divya, Advocate for respondents no. 2 to 4.

MAHABIR SINGH SINDHU, J. (ORAL)

CRM No.39090 of 2018

The instant application under Section 482 of the Code of Criminal Procedure, 1973 for impleading legal representatives of respondent No.4-Smt. Amarjit Kaur.

For the reasons enumerated in the application which is supported by way of affidavits of Paramjit Singh and Harwinder Kaur, the same is allowed and Mr. Pardeep Singh and Harwinder Kaur are ordered to be impleaded as respondent No.4(a) and (b). Amended memo parties is taken on record. Registry to do the needful.

Application stands disposed of.

CRM No.39091 of 2018

The instant application has been filed under Section 482 of the Code of Criminal Procedure for placing on record affidavits of respondent no.4 (a) and 4 (b) dated 04.10.2018 (annexure P-6 and P-7).

For the reasons enumerated in the application, the same is allowed and the affidavits are taken on record subject to all just exceptions.

CRM-M No.45046 of 2017

Present petition has been filed praying for quashing of FIR No.179 dated 20.12.2012 (**Annexure P-1**), under Sections 167, 420 and 120-B of the Indian Penal Code, registered at Police Station Dava Ludhiana along with all consequential proceedings arising therefrom on the basis of compromise dated 15.12.2016 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondents No. 2 to 4.

At the very outset, it has been pointed out by learned State counsel that the dispute is between the family members. While issuing notice of motion, this Court on 06.02.2018 passed the following order:-

“ Petitioners have approached this Court with a prayer for quashing of FIR No.179 dated 20.12.2017, registered under Sections 167, 420, 120-B IPC, at Police Station Daba, Ludhiana, on the basis of a compromise dated 15.12.2016 (Annexure P-2).

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Counsel for the petitioners has supplied a complete copy of the paper book to the counsel for the State in Court.

Ms. Divya, Advocate, accepts notice on behalf of respondent No.2 and has filed power of attorney which is taken on record.

Counsel for the petitioners states that apart from respondent No.2, the other two effected parties i.e. respondents No.3 and 4 would also appear before the trial Court in the light of the compromise referred to above, to which these respondents are also party and make their statements with regard to the said compromise.

Counsel for respondent No.2 accepts the fact that a compromise dated 15.12.2016 (Annexure P-2) has been entered into between the parties and the complainant and the other two effected respondents have no objection to the quashing of the FIR as prayed for.

Keeping in view the fact that case is fixed before the Judicial Magistrate Ist Class, Ludhiana, for 14.02.2018, the parties are directed to appear before the Judicial Magistrate Ist Class, Ludhiana, on **14.02.2018** for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Magistrate is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report along with the recorded statements 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.

To come up before this Court on **25.04.2018**.

Copy of this order be sent to the Magistrate forthwith

for information and compliance.”

In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Ludhiana and submitted a report dated 14.02.2018. The operative part of the same reads as under:-

' From their statements it appears that the compromise between the parties, whose statements have been recorded is genuine and without any pressure and coercion. It is further submitted that as per statement of complainant no case is pending between the parties and no accused is proclaimed offender. It is pertinent to mention that Bhupinder wife of Hardeep Singh has not been appeared to record her statement before the undersigned'

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.

It has been pointed out by learned counsel for the petitioner that respondent No.4 died during the pendency of the petition and consequently her legal representatives namely Pardeep Singh and Harwinder Kaur have been impleaded as party-respondent No.4(a) and (b). They are being represented by their counsel and he has no objection for quashing of FIR as well as consequent proceedings.

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

December 15, 2018

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(MAHABIR SINGH SINDHU)
JUDGE

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