

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

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**CRM-M No.47250 of 2017**

**Date of Decision: January 17<sup>th</sup>, 2018**

Balwinder Singh and others

.....Petitioners

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Pankaj Garg, Advocate  
for the petitioners.

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

Mr. Gaurav Gupta, Advocate  
for Mr. Priyanshu Kamra, Advocate  
for respondent Nos.2 and 3.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Prayer in this petition is for quashing of FIR No.0104 dated 30.11.2017 (Annexure P-1) under Sections 452, 323, 34 IPC, registered at Police Station City, Mansa District Mansa, and all other consequential proceedings arising therefrom on the basis of a compromise dated 05.12.2017 (Annexure P-2) arrived at between the parties.

The case came up for hearing on 12.12.2017, when the following order was passed:-

*“The petitioners are seeking quashing of FIR No. 0104 dated 30.11.2017, under Sections 452, 323, 34 IPC, registered at Police Station City Mansa, District Mansa,(Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 05.12.2017(Annexure P-2), which has been arrived at between the parties.*

*Learned counsel for the petitioners contends that the FIR is outcome of a dispute regarding partition of land between neighbours. He further contends that minor injuries*

*have been caused in the incident and the matter has now been compromised.*

*Issue notice to respondents.*

*At the asking of the Court, Ms. Ambika Sood, learned Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State. Let, a complete copy of paper book be supplied to her, during the course of the day.*

*Mr. Priyanshu Kamra, Advocate puts in appearance on behalf of respondents No. 2 and 3 and states that the matter has indeed been compromised.*

*List on 17.01.2018.*

*In the meantime, the parties are directed to appear before the trial Court/Illaq Magistrate on 20.12.2017. The trial Court/Illaq Magistrate shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing”.*

In pursuance to the said order, the parties appeared before the Chief Judicial Magistrate, Mansa, who had proceeded to record their statements and thereafter submitted its report.

A perusal of the report would show that the Chief Judicial Magistrate, Mansa, has concluded that the parties have suffered their statements voluntarily without any coercion, pressure and undue influence. It has further been observed that the compromise is genuine with free consent.

Keeping in view the above facts and circumstances, the counsel for the petitioners and respondents 2 and 3 state that the FIR and all consequential proceedings arising therefrom be quashed. It has further been stated by the counsel for the complainants that they have no objection to the

prayer made in the petition for quashing of the FIR.

Keeping in view the report of the Chief Judicial Magistrate, Mansa, according to which the compromise dated 05.12.2017 (Annexure P-2) being genuine, the present petition deserves to be allowed as it would be covered by the ratio of the judgment passed by Full Bench of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052* as also the judgment of Supreme Court in *Narinder Singh and others Versus State of Punjab 2014 (2) RCR (Criminal) 482*, as the compromise is genuine and is with an intention to amicably settle the dispute between the parties. The parties want to live amicably and to bury their differences.

Counsel for the parties have informed that they are real brothers and, therefore, all the more reason that the amicable settlement of the dispute will lead to better relation between them which would be fruitful for both the families.

In view of the above, the present petition is allowed and FIR No.0104 dated 30.11.2017 (Annexure P-1) under Sections 452, 323, 34 IPC, registered at Police Station City, Mansa District Mansa, and all other consequential proceedings arising therefrom, are hereby quashed.

January 17<sup>th</sup>, 2018  
Puneet

(AUGUSTINE GEORGE MASIH)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No