

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

**CRM-M No.49802 of 2018 (O&M)
Date of Decision: 19.12.2018**

Amar Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rakesh Kumar Chaudhary, Advocate
for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab
for respondent No.1/State.

Mr. Salinder Kumar Saini, Advocate for
Mr. Sandeep Saini, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.87 dated 11.10.2017, under Sections 452/323/506/34 of the Indian Penal Code, registered at Police Station Bhadson, District Patiala along with all consequential proceedings on the basis of compromise dated 26.03.2018 (P-2) entered into between the parties.

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

“Notice of motion.

Mr. Sandeep Saini, Advocate appears on behalf of respondent no.2 and files vakalatnama.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioners as well as respondent No.2 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 06.12.2018 to give their statements with reference to the compromise, if any, which has been entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any and submit a report along with the recorded 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 19.12.2018 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?

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 Judicial Magistrate 1st Class, Nabha and submitted a report dated 07.12.2018. The operative part of the same reads as under:-

“ The complainant-respondent Kulwant Kaur as well as accused-petitioners namely Amar Singh and Harbans Kaur @ Basso wife of Gholla Singh @ Lachman Singh while appearing before this Court have stated that they have entered into compromise voluntarily, without any pressure and coercion. It appears that there is no pressure or coercion on both parties for entering into compromise and the same is purely voluntarily. All the accused and complainant as named in police challan are present before this Court and are party to the instant petition filed before Hon'ble Punjab and Haryana High Court. As per the submission made by the respective Learned Counsels representing the parties, there is no other criminal case pending between the parties. The statements of the parties are enclosed herewith for kind perusal.

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 from ASI Gursharan 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 petitioners.

19.12. 2018
rekha sharma

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No