

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

**CRM-M No.49895 of 2018 (O&M)
Date of Decision: 19.12.2018**

Bachittar Veer Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Sharma, Advocate
for the petitioner.

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

Mr. Rajesh Bhatheja, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.188 dated 22.10.2018, under Sections 451, 452, 323, 379, 427, 506 of the Indian Penal Code, registered at Police Station Division No.1, District Jalandhar along with all consequential proceedings on the basis of compromise dated 01.11.2018 (P-2) entered into between the parties.

This Court, while issuing notice of motion on 14.11.2018, passed the following order:-

“ Notice of motion.

*Mr. Rajesh Bhatheja, 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 petitioner 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 03.12.2018 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, Jalandhar and submitted a report dated 04.12.2018. The operative part of the same reads as under:-

“In compliance to the aforesaid order dated 14.11.2018 of Hon'ble Punjab and Haryana High Court, the point wise report is as under:

(a) The statements got recorded by both the parties are bonafide and are not result of any pressure or coercion etc.

(b) In view of the statements got recorded by both parties, this Court is satisfied that the compromise effected between the parties is valid and genuine one.

© There are only one complaint namely Rajan Chauhan and

- one accused Bachittar Veer Sing in the present case being partly to the compromise.*
- d) No other case is pending against either of the parties except the present FIR in question.*
- e) It is also submitted that no one has ever been declared Proclaimed Offender/absconder 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 from ASI, Jagdish Kumar 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.

19.12. 2018
rekha sharma

(MAHABIR SINGH SINDHU)
JUDGE

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