

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

**CRM-M No.49530 of 2017 (O&M)
Date of Decision: 15.05.2018**

Ranjha Gujjar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sumeet Singh Arora, Advocate for the petitioner.

Mr. A.S.Dhaliwal, Deputy Advocate General, Punjab
for respondent No.1/State.

Mr. Dhawaljeet Dutta, Advocate for
Mr. Amandeep Singh, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.124 dated 07.08.2017 (**Annexure P-1**), under Section 306 of the Indian Penal Code, registered at Police Station Bhogpur, Jalandhar Rural along with all consequential proceedings arising therefrom on the basis of compromise dated 18.12.2017 (**Annexure P-2**) entered into between the parties.

This Court, while issuing notice of motion on 22.12.2017, passed the following order:-

“ *Present petition under Section 482 Cr.P.C. for seeking quashing of FIR No. 124 dated 7.8.2017, registered under Section(s) 306 IPC at Police Station Bhogpur, Jalandhar Rural on the basis of compromise dated 18.12.2017 (Annexure P2).*

Learned counsel for the petitioners contended that the parties have amicably settled their disputes with the intervention of the respectables.

Notice of motion.

On asking of the Court, Mr. Sidakmeet Sandhu, Assistant Advocate General, Punjab accepts notice on behalf of respondent(s) No. 1. Mr. Amandeep Singh, Advocate, who is present in the Court, has put in appearance on behalf of respondent(s) No. 2 and affirmed the fact of compromise effected between the parties.

In view of the matter, the parties are directed to appear before the trial Court/Area Judicial Magistrate on 17.1.2018 for getting their statements recorded with regard to the compromise arrived at between them.

The learned trial Court is directed to indicate (i) how many total accused are facing the trial, (ii) whether any of the accused was declared proclaimed offender at any stage of trial (iii) status/stage of the trial/case, (iv) to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise and (v) to send its report to this Court through District and Sessions Judge, before the next date of hearing.

Adjourned to 9.2.2018. ”

In terms of above order, the statements of both the parties were recorded by the learned Judicial Magistrate 1st Class, Jalandhar and submitted a report dated 02.02.2018. The operative part of the same reads as under:-

' In view of the statements of the parties, I am of the view that the compromise has been validly effected. The parties were also inquired personally to which they have stated that the compromise has been effected as per their free will and without any kind of pressure, threat or undue influence. Accused Ranjha and Bashir Mohd., have been arrayed as accused in the FIR. None of the accused is proclaimed offender. '

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 Karnail Singh, has stated that the Cancellation Report in the present FIR No.124 dated 07.08.2017

has already been prepared on the premise that during investigation, an affidavit was submitted by the complainant, mentioning therein that on account of some misunderstanding, the present FIR has been registered. Learned State Counsel, on instructions, 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 in this case. 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.

Disposed off accordingly.

May 15, 2018

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned	Yes
<i>Whether Reportable</i>	<i>Yes</i>