

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

**CRM-M No.51268 of 2018 (O&M)
Date of Decision: 17.12.2018**

Munish Aggarwal and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vaibhav Sehgal, Advocate for the petitioners.

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

Mr. Arjun Lakhanpal, Advocate for
Mr. Namit Gautam, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.157 dated 20.04.2018 (P-1), under Sections 451, 382, 427, 323, 149 of the Indian Penal Code read with Sections 3 & 4 of the Punjab Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act, 2008, registered at Police Station Jodhewal, District Ludhiana along with all consequential proceedings on the basis of compromise dated 15.10.2018 (P-2) entered into between the parties.

This Court, while issuing notice of motion on 21.11.2018, passed the following order:-

“ Present petition has been filed praying for quashing of FIR No.157 dated 20.04.2018, under Sections 451, 382, 427, 323, 149 of the Indian Penal Code read with Sections 3 & 4 of the Punjab Protection of Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage to Property) Act,

2008, registered at Police Station Jodhewal, District Ludhiana along with all consequential proceedings on the basis of compromise dated 15.10.2018 entered into between the parties.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab accepts notice on behalf of respondent No.1/State.

Mr. Namit Gautam, Advocate, who is present in the Court, accepts notice and filed Power of Attorney on behalf of respondent No.2. The same is taken on record.

Requisite number of copies of the petition be supplied to learned Counsel for the respondents during the course of day.

It is jointly stated by learned Counsel for the petitioners as well as respondent No.2 that the matter has been amicably settled by the parties.

*In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on **03.12.2018** to record their statements with reference to the compromise, if any, entered into between them.*

Learned Illaqa Magistrate/trial Court will record the statements of all accused, complainant/injured and victim, if any and submit a report along with the 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 **17.12.2018** 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, Ludhiana and submitted a report dated 11.12.2018. The operative part of the same reads as under:-

“ From the statements of the complainant Dr. Amandeep Ahuja and accused Munish Aggarwal and Mohit Aggarwal, it appears to the Court that the statements made by the parties are bona fide and parties have effected compromise without any pressure, coercion and same has been made with the consent of the parties. It is further submitted that all the accused and complainant are party to the compromise and there is no other case pending against any of the parties. It is further submitted that no person involved in the present case has been declared as 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 Kulwant 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.

December 17, 2018

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No