

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

**CRM-M No.5519 of 2018
Date of Decision: 15.12.2018**

Mana @ Maan and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jaswinder Singh, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, Asstt. A.G., Punjab.
for respondent No.1/State.

Mr. V.S. Rana, Advocate for
Mr. Ankur Pandey, Advocate
for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.337 dated 20.12.2017 (**Annexure P-1**), under Sections 326, 506, 323 and 149 of the Indian Penal Code, registered at Police Station Khanna, District Ludhiana along with all consequential proceedings arising therefrom on the basis of compromise dated 30.01.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent Nos.2.

While issuing notice of motion, on 09.02.2018 this Court has passed the following order:-

“ This is a petition for quashing of FIR on the basis of compromise.

Notice of motion be issued for 28.3.2018.

In the meantime, the parties are directed to appear in the Court

of Illaqa Magistrate, Khanna, District Ludhiana, within 15 days from today, so as to get their statements recorded regarding compromise. The Illaqa Magistrate is to ensure that the statements of the complainant as well as accused, are recorded and then to report whether it has been so done voluntarily, without any threat or coercion. The Illaqa Magistrate is to further report regarding genuineness of the compromise. It be also reported whether any of the parties has been declared proclaimed offender. Report in that regard be sent to this Court by the next date of hearing.'

In terms of above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate, Khanna and submitted a report dated 06.03.2018. The operative part of the same reads as under:-

“ From the perusal of the statement of parties, it transpires that the matter has been compromised with the free and voluntary consent of the complainant and the accused persons in present FIR bearing No.337 dated 20.12.2017 under Sections 326, 506, 323, 149 IPC PS City Khanna and accused persons have not been declared proclaimed offender in this case. ”

A perusal of the aforesaid report clearly reveals that the matter has been compromised by the petitioner as well as by respondent No.2 with their free consent, voluntarily and without any coercion or undue influence.

Learned State Counsel, on instructions from ASI Shamsheer singh, submits that the cancellation report in this case was prepared on 30.06.2018. He 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 15, 2018
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>