

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

**CRM-M No.5525 of 2018 (O&M)
Date of Decision: 01.05.2018**

Malkiat Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Om Pal Sharma, Advocate for the petitioner.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab
for respondent No.1/State.

Mr. M.S.Rana, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.0123 dated 05.12.2017 (**Annexure P-1**), under Section 420 of the Indian Penal Code, registered at Police Station Mehna, District Moga along with all consequential proceedings arising therefrom on the basis of compromise dated 30.01.2018 (**Annexure P-2**) entered into between the parties.

This Court, on 26.02.2018, passed the following order:-

“ It is stated by learned Counsel for the petitioner that in terms of the order dated 25.01.2018, the petitioner has joined the investigation and even the matter has been compromised between the parties.

Learned State Counsel, on instructions from HC Ramesh Kumar, has stated that neither the petitioner has joined the investigation; nor there is any compromise supplied to the I.O.

On request of learned Counsel for the petitioner, adjourned to 07.03.2018.

In the meanwhile, the petitioner is directed to supply the copy of the compromise, if any, entered into between the parties to the I.O. and join the investigation.

Interim order to continue.

Photocopy of this order be placed on the connected case(s). ”

On 07.03.2018, this Court passed the following order:-

“ It is jointly stated by both the parties that matter has been compromised.

Parties are directed to appear before the Court of Illaqa Magistrate on 23.3.2018 to get their statements recorded with regard to compromise/settlement. The Illaqa Magistrate is directed to submit a report to this Court on or before the next date of hearing containing the following information:-

- i. Number of persons arrayed as accused in FIR.*
- ii. Whether any accused is proclaimed offender.*
- iii. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

List on 5.4.2018. ”

In terms of orders dated 07.03.2018 as well as 05.04.2018, the statements of both the parties were recorded by learned Judicial Magistrate 1st Class, Moga and submitted a report dated 24.04.2018. The operative part of the same reads as under:-

' From the statements of the parties, it is concluded that the compromise so effected between the parties is genuine and valid. In this case, only one person was arrayed as accused. No person was declared Proclaimed Offender in this case. Statements of parties are bona fide and are not result of any pressure or coercion etc. in any manner. Complainant as well as accused were parties to the compromise. Hence the report. '

A perusal of the 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. Even before this Court also, there is no objection by either of the parties in case the FIR is quashed. Even learned State Counsel, on instructions from H.C. Lakhwinder Singh, has also no objection in case the aforesaid FIR as well as all other consequential proceedings are quashed on the basis of the compromise effected between the parties in this case. Learned State Counsel also submits that report under Section 173 Cr.P.C. is yet to be submitted.

In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds 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 01, 2018

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

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