

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

265

CRM-M No.7371 of 2018

Date of Decision: May 8th, 2018

Gurmeet Singh and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Nitin Rathour, Advocate
for Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Paras Jagga, Advocate
for Mr. Shubham Goyal, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

When the case came up for hearing before this Court on
21.02.2018, following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for quashing of FIR No.16, dated 11.01.2018, registered under Section 420 of the IPC, at Police Station Mehna, District Moga, (Annexure P-1) on the basis of a compromise, which is in the form of an affidavit of the complainant dated 17.02.2018 (Annexure P-2), arrived at between the parties.

Notice of motion.

On the asking of the Court, Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1. Mr. Shubham Goyal, Advocate, who is present in Court, acknowledges the fact that compromise has indeed been taken place between the parties and also admits the execution of affidavit dated 17.02.2018 by complainant, Gurmail Kaur wife of Late Gurdeep Singh. He further states that the complainant has no objection in case the present

petition is allowed and the FIR registered at her behest is quashed. Counsel for the petitioners undertakes to hand over a copy of the petition to the counsel opposite during the course of the day.

The parties are directed to appear before the Ilaqa Magistrate/Trial Court at Moga on 12.03.2018 for recording of their statements with regard to the above referred compromise on the said date or on any other date convenient to the Court.

The Ilaqa Magistrate/Trial Court is directed to record the statements of all the accused, complainant/injured and victim, if any and submit a report alongwith the recorded statements before the next date of hearing containing the following information:-

- (i). Whether the statements of the parties are bonafide 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.*

To come up on 08.05.2018.

Copy of this order be sent to Ilaqa Magistrate/Trial Court concerned for information and compliance.”

In compliance with the said order, parties appeared before the Judicial Magistrate Ist Class, Moga, on 12.03.2018 and got recorded their respective statements.

In pursuance to the said statements, Judicial Magistrate

Ist Class, Moga, has submitted his report dated 06.04.2018, where it has been concluded that the compromise dated 17.02.2018 (Annexure P-2) effected between the parties is genuine and valid which has been entered into voluntarily, without any pressure or coercion etc. in any manner.

Counsel for the petitioners, in the light of the report of the Judicial Magistrate Ist Class, Moga, prays that the present petition may be allowed by quashing the FIR in question along with all consequential proceedings arising therefrom.

Counsel for respondent No.2-complainant does not object to the said prayer, rather asserts that the compromise which has been entered into between the parties still holds good. He further states that the parties are related to each other and, therefore, it would be in the interest of justice that the family dispute may be brought to an end so that there is no misunderstanding or any type of grudge or difficulty in future.

Counsel for the State, on instructions from HC Ramesh Kumar, Police Station Mehna, District Moga, acknowledges the factum of compromise as well as the relationship between the parties.

Keeping in view the above facts and circumstances as also in the light of the fact that the parties are close relatives, it would be in the interest of justice that the family dispute may be brought to an end so that they can amicably and peacefully live their future life without any sort of misunderstanding between them.

In view the above, keeping in view the principles laid down by judgment of Supreme Court in ***Madan Mohan Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429*** and in ***Criminal Appeal No.1723 of***

2017 titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017, the present petition is allowed and FIR No.16, dated 11.02.2018 registered under Section 420 of the IPC at Police Station Mehna, District Moga, and all other consequential proceedings arising therefrom, are hereby quashed qua the petitioners only.

May 8th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No