

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

**CRM-M No.7532 of 2018 (O&M)
Date of Decision: 21.3.2018**

Kewal Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prateek Pandit, Advocate for the petitioners.

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

Mr. Vikas Garg, Advocate for
Mr. Nitin Rampal, Advocate for respondent Nos.2 and 3.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition is filed praying for quashing of FIR No.45 dated 24.04.2012, under Sections 323, 324, 325, 148 and 149 of the Indian Penal Code, registered at Police Station Subhanpur, District Kapurthala on the basis of compromise entered into between the parties.

This Court, while issuing notice of motion on 22.02.2018, passed the following order:-

“ Notice of motion.

On the asking of the Court, Mr. Amitoj Singh Dhaliwal, DAG, Punjab, who is present in the Court, accepts notice on behalf of respondent No.1-State. A complete set of the petition be supplied to the State counsel during the course of the day.

Mr. Nitin Rampal, Advocate puts in appearance on behalf of respondent Nos.2 and 3 by filing memo of appearance, which is taken on record. Learned counsel undertakes to file power of attorney on the next date of hearing.

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

Parties are directed to appear before the Court of Illaqa Magistrate/trial Court on 7.3.2018 to get their statements recorded with regard to compromise/settlement. The Illaqa Magistrate/trial Court 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 21.3.2018. ”

In terms of above order, the statements of both the parties were recorded by learned Judicial Magistrate 1st Class, Kapurthala and submitted a report dated 12.03.2018. The operative part of the same reads as under:-

' In this case FIR No.45 dated 24.04.2012, under Sections 323/324/325/148/149 IPC, PS Subhanpur, District Kapurthala, the statement of complainant/injured and accused have been recorded. There are seven persons arrayed as accused in FIR. One accused namely Kashmir Singh has expired. Photocopy of death certificate is on record. One accused Balwinder Kaur alias Binder Kaur is not applicant in the quashing petition. Her statement is also recorded. No accused has been declared as a proclaimed offender. There is no pendency of any P.O. proceedings against any of the parties. It is clear from the statement of the complainant as well as accused that they have entered into compromise and solved their differences, without any coercion or undue influence and threat. As such, it is clear that parties have entered into compromise voluntarily. The report is accordingly submitted please. '

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 ASI Somnath, P.S. Subhanpur, District Kapurthala 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.

In view of above, this Court is fully convinced that the offences are entirely personal in nature and did 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.

Disposed off accordingly.

March 21, 2018

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

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