

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

**CRM-M No.2584 of 2019 (O&M)  
Date of Decision: 18.11.2019**

Lakhbir Singh and others

.....Petitioners

*Versus*

State of Punjab and another

.....Respondents

**CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Jagmeet Singh Moudgill, Advocate for the petitioners.

Mr. V.G.Jauhar, Sr. DAG, Punjab for respondent No.1.

Mr. Brahaminder Singh Toor, Advocate for respondent No.2.

\*\*\*\*

**MAHABIR SINGH SINDHU, J. (Oral)**

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.15 dated 28.01.2018 (P-1), under Sections 325, 323, 34 of the Indian Penal Code, 1860, registered at Police Station Dirba, District Sangrur along with all consequential proceedings arising therefrom on the basis of compromise dated 11.01.2019 (P-2).

This Court, while issuing notice of motion on 13.03.2019, passed the following order:-

“ Contends that matter has been compromised between the parties.  
Notice of motion.

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

Mr. Brahaminder Singh Toor, Advocate, who is present in the Court, has filed power of attorney on behalf of respondent No.2. The same is taken on record. He acknowledged the factum of compromise arrived at between the parties.

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

Petitioners will file their respective affidavits that there is no other

criminal case pending against them and also give the details of any other FIR(s), which have already been quashed on the basis of compromise.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 09.04.2019 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?
- (vi). whether any of the petitioner(s) is/are previous convict or not?

List before this Court on 15.05.2019 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 strict compliance. ”

In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate 1<sup>st</sup> Class, Sunam and submitted a report dated 19.03.2019. The operative part of the same reads as under:-

“ xxxxxxxx

*the undersigned has carefully gone through the statements got recorded by the complainant and the accused. Ex-facie, it transpires from the statements of the parties*

*(recorded before the undersigned) that they have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter. Apparently, the compromise has been genuinely arrived at to eliminate bitterness and acrimony between the parties and in order to restore cordial relations. ”*

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 HC Bhagwant, 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.

November 18, 2019  
Gagan

( MAHABIR SINGH SINDHU )  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |