

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

**CRM-M No.5501 of 2019
Date of Decision: 19.08.2019**

PARDEEP KUMAR @ PARDEEP MAKKAR AND ORSPetitioners

Versus

STATE OF PUNJAB AND ANRRespondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harmanpreet Sehgal, Advocate
for the petitioners.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Mr. Arshdeep Singh Sra, Advocate for
Mr. Tarun Jhatta, 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.34 dated 20.04.2015 under Sections 452, 323, 148, 149, 379 and 427 of the Indian Penal Code, registered at Police Station Kotbhai, District Sri Muktsar Sahib along with all consequential proceedings arising therefrom on the basis of compromise dated 07.01.2019(**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No.2.

As per the allegations in the FIR, the complainant-respondent No.2 was residing in his ancestral house. Few days back, the dispute in respect of the common wall took place with the petitioners, regarding which cross cases were registered against the parties. In this regard officials of revenue department, P.W.D., Police department came to the spot for demarcation, but they went back

as the demarcation could not take place. At about 5:30 p.m. petitioners armed with their respective weapons entered in the house of the complainant and started hurling abuses with intention to take forcible possession demolished disputed room and took away 5 pairs of wood, 4 gadders, 2 frames, 30-40 wooden bars, 200-300 bricks, 1 chair, 3-4 pieces of iron bars of 8-10 feet in length and 1 iron pipe of 18 feet length. They also damaged the car standing in the house of the complainant and the ladies also gave beatings to the lady members of the complainant's family.

Heard learned counsel for the parties and perused the paper book.

On 05.02.2019, while issuing notice of motion, the following order was passed by this Court:

“This petition has been filed for quashing of FIR No.34 dated 20.04.2015 on the basis of compromise.

Notice of motion.

Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of the State of Punjab. Let two copies of the petition be supplied to him during the course of the day. Mr. Tarun Jhatta, Advocate, puts in appearance and accepts notice on behalf of respondent No.2.

The parties are directed to appear before the trial Court/Illaq Magistrate on 26.03.2019 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Illaq Magistrate shall send a report to this Court regarding the genuineness of the compromise between them as well before the next date of hearing.

Adjourned to 24.05.2019 ”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Gidderbaha and submitted a report dated 03.04.2019. The operative part of the same reads as under:-

'The compromise is genuine, voluntarily and without any

coercion or undue influence between complainant and the accused persons. None of the accused is proclaimed offender in this case.'

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 and no one has been declared as proclaimed offender in this case.

On instructions from HC Kuljit Singh, learned State Counsel 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 the above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility. 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.

August 19, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

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