

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

**CRM-M-6191-2019 (O&M).  
Decided on: 10.05.2019.**

Gurbhej Singh and others

... Petitioners

*Versus*

State of Punjab and others

... Respondents

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

**PRESENT Mr.P.S.Baidwan, Advocate,  
for the petitioners.**

**Mr.C.L.Pawar, Sr. D.A.G. Punjab..**

**Mr.B.S.Randhawa, Advocate,  
for respondent Nos.2 to 5.**

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

Present petition has been filed under Section 482 of the Code of Criminal Procedure (for short 'the Cr.P.C.') praying for quashing of FIR No.103 dated 8.10.2016 (**Annexure P-1**), under Sections 323, 324, 326, 148 and 149 of the Indian Penal Code (for short 'the IPC'), registered at Police Station Majitha, District Amritsar Rural, along with all consequential proceedings arising therefrom on the basis of compromise dated 17.1.2019 (**Annexure P-2**) entered into between the parties.

This Court, on 28.2.2019, passed the following order:-

*“Mr. B.S. Randhawa, Advocate has filed his power of attorney on behalf of respondents No.2 to 5 in the Court today. The same is taken on record.*

*It is jointly stated by learned Counsel for the parties that the matter has been compromised.*

*In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 27.03.2019 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 10.05.2019 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 above order, the statements of both the parties were recorded by the learned Judicial Magistrate 1<sup>st</sup> Class, Amritsar and report dated 4.4.2019 has been submitted. The operative part of the same reads as under:-

- i) The statements of the parties are bona fide and are not result of any pressure or coercion etc. in any manner.*
- ii) The compromise effected between the parties is genuine and valid.*
- iii) All the accused, complainant and injured are party to the compromise.*
- iv) No case is pending against either of the parties.*
- v) No person involved in this case/dispute have been declared as proclaimed offender.*
- vi) None of the petitioners is previous convict.*

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 submits that the State has no objection in case the above said 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.

May 10, 2019  
raj arora

( MAHABIR SINGH SINDHU )  
JUDGE

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