

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

**CRM-M No.19901 of 2018
Date of Decision: 18.03.2019**

SANTOKH SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.19 dated 08.02.2016 (**Annexure P-1**), under Sections 380, 427, 406 and 454 of the Indian Penal Code, registered at Police Station Cantonment, District Amritsar City, Punjab along with all consequential proceedings arising therefrom on the basis of compromise dated 15.03.2018 (**Annexure P-2**) entered into between the parties i.e. petitioner as well as respondent No. 2.

The case of the prosecution is that the complainant had established a business in the name and style of 'Cantt. Club and Restaurant'. The petitioner was taking care of the property of the complainant. Further alleged that many members of the Club complained against the petitioner that he is not taking proper care of the property and not providing proper service to the members.

Further alleged that the petitioner has not paid the electricity bill amounting to Rs. 1,32,000/- and some articles of the club in the shape of battery, generator, gas cylinder etc. are missing.

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

On 14.02.2019 the following order was passed by this Court:

“Mr. Amit Gupta, Advocate has filed his memo of appearance on behalf of respondent No.2 in the Court today. The same is taken on record. He seeks some time to file his power of attorney.

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 **28.02.2019** 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 **18.03.2019** 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 the parties were recorded by learned Judicial Magistrate First Class, Amritsar and submitted a report dated 06.03.2019. The operative part of the same reads as under:-

'I am satisfied that the said compromise is out of their free will and genuine in nature.'

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 Rajinder 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.

Since the dispute is regarding the non payment of the electricity bill against the petitioner, the matter has been settled between the parties, thus in view of above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace and tranquility, 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 petitioner.

March 18, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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