

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

**CRM-M No.23814 of 2018
Date of Decision: 14.02.2019**

JAGTAR SINGH AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikas Gupta, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Vaibhav Mittal, Advocate for
Mr. Minkle, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.35 dated 24.04.2018 (**Annexure P-1**), under Sections 430, 434, 506, 148 and 149 of the Indian Penal Code, registered at Police Station Valtoha, District Tarn Taran along with all consequential proceedings arising therefrom on the basis of compromise dated 06.05.2018(**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No. 2.

The above noted FIR had been registered with the allegation that the accused persons have demolished the drainage, regarding which the case was pending in the court and the order has been passed in favour of the complainant and demarcation of the said drainage has also been done. The accused persons are not letting the complainant to construct the drainage.

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

On 22.11.2018, this Court has passed the following order:-

“ Learned State counsel states that he has no objection to the compromise.

In the circumstances, both the parties are directed to appear before Illaqa Magistrate, who shall record their statements and report as to whether the compromise is genuine or not?

Adjourned to 10.01.2019.”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Patti and submitted a report dated 09.01.2019. The operative part of the same reads as under:-

'From the statement of both the parties which comes to my knowledge that parties have compromised their matter without any pressure or coercion in any manner because they want to live peacefully. Moreover, the complainant and accused stated that they knows good/bad of themselves and stated that they have entered into compromise so as to bring home, peace and harmony. Therefore, the compromise made by the parties seems to be genuine and without any influence.'

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 ASI Gurcharan 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 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.

February 14, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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