

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

**CRM-M No.16171 of 2019
Date of Decision: 21.08.2019**

SARIKA AND ORS

.....Petitioners

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gurmandeep Brar, Advocate
for the petitioners.

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

Mr. Suneet Pal Singh Aulkah, 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.36 dated 04.03.2018, under Sections 323, 451, 427, 506 and 149 of the Indian Penal Code, registered at Police Station Basti Bawa Khel, District Jalandhar(P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 08.01.2019(P-3) entered into between the parties i.e. petitioners as well as respondent No.2.

As per the allegations in the FIR, on 02.03.2018 at about 1:30 p.m., when the complainant-respondent No.2 was taking sun bath in the court yard of her house, suddenly gate was knocked. When she went to open the gate, it was forcefully pushed, due to which complainant-respondent No.2 fell down. In the meanwhile, petitioner No.1 alongwith 4-5 unknown persons entered in the house and hold the complainant-respondent No.2 from hair and started punching her. Petitioner No.1 also broke the items lying in the lobby. On this complainant-respondent No.2 shouted, then her son came and he rescued her. Thereafter,

petitioner No.1 and other persons ran away from the spot.

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

On 08.04.2019, while issuing notice of motion the following order was passed by this Court:

“ 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. Suneet Pal Singh Aulakh, 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 **09.05.2019** 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 **09.07.2019** 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, Jalandhar and submitted a report dated 20.05.2019. The operative part of the same reads as under:-

' It is further submitted that compromise has been effected between the complainant and accused persons and same is voluntary, without any pressure or coercion and is genuine one.”

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 Yashpal, 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 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 21, 2019
rashmi

(MAHABIR SINGH SINDHU)
JUDGE

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