

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

**CRM-M No.40795 of 2018  
Date of Decision: 14.02.2019**

MALKIT SINGH AND ORS

.....Petitioners

*Versus*

STATE OF PUNJAB AND ANR

.....Respondents

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

Present: Mr. A.S. Brar, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Daljeet Singh Virk, Advocate for respondent No.2.

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

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.132 dated 16.07.2018 (**Annexure P-1**), under Sections 447, 436, 511 and 379 of the Indian Penal Code, registered at Police Station Baghapurana, District Moga along with all consequential proceedings arising therefrom on the basis of compromise dated 07.09.2018(**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 on 11.07.2018 one Surjit Singh came to the house of the complainant and told that the accused persons were loading the bricks and barbed wire installed in the plot of the complainant in a tractor trolley bearing No. HMT 4511 with an intention to take possession of the plot. When the complainant reached the spot then the accused persons went away after stealing about 800 bricks, wood of *kikkar* and other articles with an intention to take possession. The accused persons had also burnt the fuel lying in the plot of the complainant.

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

On 14.01.2019, this Court has passed the following order:-

“ 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 **24.01.2019**

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.

List before this Court on **14.02.2019** 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 compliance. ”

In terms of above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate, Baghpurana and submitted a report dated 01.02.2019. The operative part of the same reads as under:-

' It is submitted that having recorded the statements of the parties and after orally inquired from them, this court is of the considered opinion that statements of the parties are bonafide and are not result of any pressure or coercion etc. in any manner and compromise effected between the parties is genuine and valid and all the accused, complainant and injured are party to the compromise.'

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 Darshan 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> |