

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

**CRM-M No.48164 of 2018 (O&M)
Date of Decision: 30.01.2019**

Kulbir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ajay Pal Singh, Advocate for
Mr. Aditya Pratap Singh, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ashutosh, 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.70 dated 13.10.2017 (**Annexure P-1**), under Section 420 of the Indian Penal Code, registered at Police Station Kanwan, District Pathankot along with all consequential proceedings arising therefrom on the basis of compromise dated 03.10.2018 (**Annexure P-2**) entered into between the parties i.e. petitioner as well as respondent No. 2.

This Court on 31.10.2018, while issuing notice of motion has passed the following order:-

“ Notice of motion for 30.1.2019.

On the asking of this Court, Mr. H.S.Grewal, Addl. AG, Punjab, who is present in Court, accepts notice on behalf of the State. Learned counsel for the petitioner undertakes to supply a complete set of the paperbook to the learned State counsel during the course of the day.

Mr. Ashutosh, Advocate, has appeared for respondent No.2 and filed his power of attorney which is taken on record.

In the meantime, parties are directed to appear before the learned trial court/Illaqa Magistrate on 26.11.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaqa Magistrate, is directed to send the report regarding the genuineness of compromise on or before the date fixed in the instant petition.

A copy of this order be sent to the learned trial Court/Illaqa Magistrate, through fax, for compliance”

In terms of above order, the statements of the parties were recorded by learned Judicial Magistrate First Class, Pathankot and submitted a report dated 28.11.2018. The operative part of the same reads as under:-

'From the statements of parties and their demeanor in the court, the compromise appears to be genuine voluntary and without any pressure'

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 and there is no public funds involved.

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 there is no public funds involved 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.

January 30, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

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