

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

**CRM-M No.51753 of 2018 (O&M)
Date of Decision: 25.01.2019**

Lakhwinder Singh @ Lakhi and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Moudgil, Advocate for the petitioners.

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

Mr. Karan Garg, Advocate
for respondents No. 2 to 4.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.199 dated 02.10.2018 (**Annexure P-1**), under Sections 458, 323, 506 and 34 of the Indian Penal Code, registered at Police Station City Sunam, District Sangrur along with all consequential proceedings arising therefrom on the basis of compromise dated 05.10.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondents No. 2 to 4.

This Court on 26.11.2018, while issuing notice of motion has passed the following order:-

“ Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent No.1. Copy of the petition has been supplied to him.

Mr. Karan Garg, Advocate appears on behalf of

respondents No.2 to 4 and files Vakalatnama.

Learned Counsel for the petitioners as well as respondents No.2 to 4 jointly stated that the matter has been compromised between the parties.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 10.12.2018 for recording their statements with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to record the statements of all accused, complainant/injured and victim, if any, and submit a report along with the recorded 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 14.01.2019 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, Sunam and submitted a report dated 15.12.2018. The operative part of the same reads as under:-

"The compromise Ex. CX has been effected without any

pressure, coercion and undue influence and same is genuine one. No accused is PO in that case. A divorce petition under Section 13 of the Hindu Marriage Act is pending between the parties which is pending for 19.03.2019.'

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 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.

January 25, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

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