

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

**CRM-M No.52624 of 2018 (O&M)
Date of Decision: 31.01.2019**

RUPINDER SINGH SARSUA

.....Petitioner

Versus

STATE OF PUNJAB AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Prabhjot Singh, 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.227 dated 14.11.2017 (**Annexure P-1**), under Sections 379, 420, 465, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Civil Lines Bathinda, District Bathinda along with all consequential proceedings arising therefrom on the basis of compromise dated 12.11.2018 (**Annexure P-2**) entered into between the parties i.e. petitioner as well as respondent No. 2.

This Court on 15.12.2018 has passed the following order:-

“ It has been pointed out by learned State counsel that the dispute is between the family and the same has been amicably settled.

In view of above, let the parties appear before the Court of learned Illaqa Magistrate/trial Court on 17.01.2019 to get their statements recorded 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 31.01.2019 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 Chief Judicial Magistrate, Bathinda and submitted a report dated 23.01.2019. The operative part of the same reads as under:-

- '1. In view of the statements of the parties, the statements of parties appears to be bonafide. The statements have been suffered by the parties out of their free will and same are not the result of any pressure, undue influence or coercion in any manner and compromise is valid.
- 2. In view of the statements of the parties, the compromise effected between the parties appears to be genuine and voluntary.'

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.

On instructions from HC Ashok Kumar, 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 as the dispute is between father and his son. 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 petitioner.

January 31, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

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