

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

**CRM-M No.54059 of 2018 (O&M)
Date of Decision: 27.02.2019**

Sanjeev Chhabra and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. G.S. Bhatia, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Sanjeev Bagga, 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.98 dated 27.03.2015 (**Annexure P-1**), under Sections 380 and 447 of Indian Penal Code, registered at Police Station Civil Lines, District Amritsar City along with all consequential proceedings arising therefrom on the basis of compromise dated 21.11.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No. 2.

As per the allegations in the FIR, it has been alleged that mother of the complainant purchased the property measuring 1 Kanal bearing plot No. 35-B R.B. Rattan Chand Road, Amritsar comprising Khasra No. 3483/1/2527/1038 and constructed double storey house over the said property but she expired on 11.01.2004. During her life time she executed a registered Will dated 08.07.1988 in favour of the complainant and his two brothers namely, Kailash Chander Chhabra and Beasdev Chhabra. After the death of their mother,

complainant alongwith his two brothers became absolute owners of the above said property on the basis of Will and Mutation No. 28898 was sanctioned in their favour in equal share. The accused persons were residing on the ground floor, but they forcibly and unlawfully occupied the remaining portion of the ground floor as well as first floor and also stolen their clothes alongwith valuable documents lying in the said portion of the house, which was earlier in the possession of the complainant and even the accused persons were not allowing the complainant to enter into the first floor of the house.

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

On 06.12.2018, while issuing notice of motion this Court passed the following order:-

“Contentends that the matter has been compromised between the parties.

Notice of motion.

Mr.Sanjeev Bagga, Advocate appears on behalf of respondent no.2 and files memo of appearance, same is taken on record.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. DAG, Punjab accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioners as well as respondent No.2 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 31.01.2019 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 effective person 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 11.02.2019 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 Chief Judicial Magistrate, Amritsar and submitted a report dated 07.02.2019. The operative part of the same reads as under:-

'It is further respectfully submitted that from the statements of the parties, it transpires that parties have willfully settled their differences and reached at bonafide compromise without any pressure and the same seems to be genuine'

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 Sukhdev 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 impugned FIR is quashed.

In view of the fact that the dispute is between real brothers, whereas petitioner No.1 is son of petitioner No.2, 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.

February 27, 2019

rashmi

(MAHABIR SINGH SINDHU)
JUDGE

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