

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

**CRM-M No.54328 of 2018 (O&M)
Date of Decision: 29.01.2019**

Sumit Gill and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Arora, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Puneet Sharma, 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.15 dated 10.03.2016 (**Annexure P-1**), under Sections 379-B, 420, 120-B, 177, 182, 192 and 193 of the Indian Penal Code, registered at Police Station Lambra, District Jalandhar along with all consequential proceedings arising therefrom on the basis of compromise dated 04.07.2018 (**Annexure P-2**) entered into between the parties i.e. petitioners as well as respondent No. 2.

This Court on 07.12.2018, while issuing notice of motion has passed the following order:-

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

Notice of motion.

Mr.Puneet Sharma, Advocate appears on behalf of respondent no.2 and files vakalatnama, 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 17.12.2018 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 29.01.2019 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 Judicial Magistrate First Class, Jalandhar and submitted a report dated 08.01.2019. The operative part of the same reads as under:-

'.....verified above stated facts from the parties and it is

therefore satisfied that parties have compromised the matter with their free consent, sweet will, without any threat, pressure or undue influence and no other case is pending against either of the parties. Further it is submitted that as per information given by the investigating officer in the present FIR, no accused has been declared proclaimed offender'

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 29, 2019
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No