

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

249

CRM-M-9078-2017 (O&M)
Date of Decision: 27.05.2019

Swinder Singh @ Shindi and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Dilpreet Singh Gandhi, Advocate
for the petitioners.

Mr. Sandeep Kumar, D.A.G., Punjab.

Mr.R.S.Chauhan, Advocate
for respondents No.2 to 4.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed praying for quashing of FIR No.85 dated 23.04.2016 (**P-1**), under Sections 365/387/389/342/323/325 of the Indian Penal Code, registered at Police Station Chherretta, Amritsar City on the basis of compromise (**P-2**).

Learned counsel for the petitioners has pointed out that CRM-M-17797 of 2018 was filed by Karamjit Singh-respondent No.2 for quashing of cross-version case i.e. FIR No.92 dated 02.05.2016 registered under Section 336 IPC and Section 25, 27 of Arms Act at Police Station Chherretta, District Amritsar, which has been quashed by this Court vide order dated 08.03.2019 on the basis of compromise entered into between the parties. Therefore, the present FIR may also be quashed.

A perusal of the case file reveals that this Court while issuing notice

of motion on 24.03.2017 directed the parties to appear before *Illaqa* Magistrate, on 07.04.2017 for recording their statements with regard to compromise/ settlement and learned Illaqa Magistrate was directed to submit a report to this Court. However, the parties could not appear on the said date.

On 23.07.2018, parties were again directed to appear before learned Illaqa Magistrate on 05.09.2018 for recording of their statements but despite that they failed to comply with the above order.

Thereafter on 14.01.2019 learned counsel for the parties sought more time to comply with the order dated 23.07.2018 and again on 06.02.2019 an application was moved for recording the statements of the parties in terms of the order dated 14.01.2019 passed by this Court which was allowed.

In terms of above order, the statements of both the parties were recorded by the learned Judicial Magistrate 1st Class, Amritsar and submitted a report dated 06.03.2019. The operative part of the same reads as under:-

“As per the statements suffered by the parties i.e. the complainant and the accused, they have compromised the matter, voluntarily, without any coercion or undue influence and the compromise was effected between the parties as per their free will and consent. The parties also stated that they shall abide by the compromise arrived between them.

Therefore, in light of the statements suffered by the parties and as per the terms of the compromise effected between them, it appears that the parties have entered into a genuine compromise as per their free will and without any undue influence.”

A perusal of the operative part of the order of this Court shows that the matter has been compromised between the parties. None of the accused is a proclaimed offender in this case. Even the report of the learned trial Court clearly reveals that the matter has been compromised by both the parties with their free consent, voluntarily and without any coercion or undue influence.

Learned State Counsel, on instructions from HC Balwinder Masih, 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 of the view that pendency of the proceedings arising out of the FIR in question would be an abuse of process of Court and fully convinced that the offences are entirely personal in nature and do not affect any public peace or tranquillity 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.

Disposed off accordingly.

27.05.2019
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(MAHABIR SINGH SINDHU)
JUDGE

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