

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

**CRM-M-54040-2018**

**Date of Decision:11.02.2019**

Sukhwinder Singh and another

... Petitioners

Vs.

State of Punjab and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. Manjinder Singh Saini, Advocate  
for the petitioners.

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

Mr. J.S. Grewal, Advocate  
for respondents No.2 and 3.

**MAHABIR SINGH SINDHU, J. (Oral)**

Present petition under Section 482 Cr.P.C has been filed praying for quashing of FIR No.60 dated 01.05.2018 (Annexure P-1) under Sections 323/325/34 IPC at Police Station Sadar Kurali, District SAS Nagar Mohali along with all consequential proceedings arising therefrom on the basis of compromise entered into between the parties i.e. petitioners as well as respondents No.2 and 3.

This Court, while issuing notice of motion on 06.12.2018, passed the following order:

*“Contents that the matter has been compromised between the parties.*

*Notice of motion.*

*Mr. Vishal Sharma, Advocate appears on behalf of respondents no.2 and 3 and files vakalatnama, same is taken on record.*

*On the asking of the Court, Mr. Ramandeep Sandhu, Sr. D.A.G, Punjab accepts notice on behalf of respondent No.1. Copy of*

*the petition supplied to him.*

*Learned counsel for the petitioners as well as respondents No.2 and 3 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 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 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 the above order, the statements of the parties were recorded by learned Judicial Magistrate Ist Class, Kharar and submitted a report dated 1.2.2019 and which *inter alia* reads as under:

*“From the statements of the parties so recorded in the court on oath, the undersigned is submitting the report, as desired by Hon'ble High Court as under:-*

- i) The statements of the parties are bona fide and are not result of any pressure or coercion etc.*
- ii) The compromise effected between the parties appears to be genuine and valid.*
- iii) The complainant is Kuldeep Singh and his wife Manpinder Kaur is injured in present occurrence. Perusal of FIR reveals that it has been registered only against accused Sukhwinder Singh and Mandeep Singh. As such, both accused, complainant and injured are party to compromise. As per the statement of complainant and injured, none else was injured in the occurrence.*
- iv) As per statements of parties, no other case is pending against either of the parties.*
- v) As per the statements of parties, none of the either parties 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. Learned State counsel on instructions from H.C. Bhupinder Singh, 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 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 the above, this Court is fully convinced that the offences are entirely personal in nature and do not affect any public peace or 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 in question along with all consequential proceedings resulting therefrom are quashed qua the petitioners.

(MAHABIR SINGH SINDHU)  
JUDGE

11.02.2019  
rajeev

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |