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

**CRM-M-5879-2020 (O&M)
Date of decision :26.07.2023**

S. Amardeep Singh Heera and others

... Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Roja Agnihotri, Advocate,
for the petitioners.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

Mr. Harsh Manocha, Advocate,
for respondent Nos.2 to 4.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.0016 dated 25.04.2019 (P-1), under Sections 406, 420 & 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*') at Police Station, NRI, SAS Nagar, Mohali, along with all consequential proceedings arising therefrom on the basis of compromise dated 09.04.2019 (P-2), entered into between the parties i.e. petitioners as well as respondent Nos.2 to 4.

2. Allegations are that the petitioners had allotted three plots to respondent Nos.2, 3 & 4, each measuring 250 Sq. Yds. at Gulmohar Residential Colony being developed at Sector 116, GMADA, Chappar Chiri, but did not hand over physical possession of the same to them.

3. The Co-ordinate Bench, while issuing notice of motion on the previous date of hearing i.e. 10.02.2020, passed the following order:-

“The petitioners have approached this Court seeking quashing of FIR (Annexure P-1) and all consequential proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Notice of motion for 12.5.2020.

At this stage, Mr. Harsh Manocha, Advocate has appeared on behalf of respondents No.2 to 4 and filed memo of appearance. The same is taken on record. Power of attorney be filed in the Registry by the next date of hearing.

The parties are directed to appear before the Illaqa Magistrate/trial Court on 12.3.2020 for getting their statements recorded qua the factum of compromise.

The Illaqa Magistrate/trial Court is directed to submit its report on or before the next date of hearing as regards authenticity and genuineness of compromise after recording statements of all the affected parties.

The Illaqa Magistrate/trial Court shall also furnish the following information:-

1. Whether there is any other accused other than the petitioners, arrayed in this petition?

2. Whether there is any other complainant or affected/aggrieved party other than the respondents, arrayed in the petition?.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate 1st Class, SAS Nagar, Mohali, submitted a report dated 17.03.2020. The operative part of the same reads as under:-

“In the opinion of the undersigned the compromise has been recorded between the complainant and the accused with the intervention of respectable and same is genuine without force, coercion or any undue influence.....”

5. 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. Even before

this Court also, there is no objection by either of the parties against the compromise.

6. Learned State Counsel, on instructions from the police official present in the Court, also submitted that they have no objection in case the aforesaid FIR as well as consequential proceedings are quashed on the basis of the compromise effected between the parties.

7. In view of above, this Court is fully convinced that the offence is entirely personal in nature and does not involve any public funds. Thus, quashing of the FIR in question along with consequential proceedings, on the basis of compromise would bring peace and harmony to secure the ends of justice.

8. Consequently, present petition is allowed; aforesaid FIR along with all consequential proceedings resulting therefrom are quashed qua the petitioners. However, as a deterrence for the future, petitioners are burdened with costs of Rs. 50,000/-. Costs be deposited with Advocates Welfare Fund, Punjab and Haryana High Court Bar Association, Chandigarh.

26.07.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No