

**115 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-10165-2023 (O&M)
Date of Decision: 26.07.2023**

Deepak Sharma and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Ms. SukhanRangi, Advocate
for the petitioners.

Mr.Jaiteshwar S. Bhandari, AAG, Punjab.

Ms.Sahiba Joshi, Advocate for
Mr.Zorawar Singh, Advocate,
for respondent No.2**MAHABIR SINGH SINDHU. J.**

Present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.184 dated 07.08.2021 under Sections 420, 465, 467, 468, 471, 120-B, 201 and 447 of the Indian Penal Code, 1860 (for short, '*the IPC*') at Police Station Moti Nagar, District Police Commissionerate, Ludhiana(P-1) along with all consequential proceedings arising therefrom on the basis of compromise dated 13.02.2023 (P-3), entered into between the parties i.e. petitioners as well as respondent No.2.

2. The accused are alleged to have forged one agreement dated 06.02.2017 in which area of the property has been mentioned as 1000 sq. ft. instead of 1000 sq. yards.

3. The Co-ordinate Bench, while issuing notice of motion on 27.02.2023, passed the following order:-

“...So, the parties are directed to appear before the learned trial Court/Illaq Magistrate on 06.04.2023 or any other date convenient to the trial Court/Illaq Magistrate, and to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the same along with his report regarding the genuineness of compromise on or before the date fixed in the instant petition specifically with regard to the following facts:-

- 1. Number of persons arrayed as accused in the FIR.*
- 2. Whether any accused is proclaimed offender.*
- 3. Stage of the trial/proceedings.*
- 4. Whether the compromise is genuine, voluntary and without any coercion or undue influence.”*

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Judicial Magistrate First Class, Ludhiana and submitted a report dated 06.06.2023. The operative part of the same reads as under:-

“From the statement so suffered by both the parties i.e. the complainant BhimSainVadhwa and present accused namely Ashok Kumar, IsharChander, Deepak Sharma and Parminder Singh, it appears that they have, in fact, entered into a compromise, which is voluntary in nature and is free from any coercion, pressure or threat.”

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, petitioner is burdened with costs of Rs. 10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

26.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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