

**124 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-14554-2023 (O&M)
Date of Decision: 10.08.2023**

Ramesh Kumar and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHUPresent: Mr. Naveen Batra, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

Mr. Rahul Garg, 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.34 dated 03.04.2021 under Sections 420, 468, 469, 471 & 120-B of the Indian Penal Code, 1860 (for short, '*the IPC*') at Police Station Sadar Banga, District SBS Nagar (**P-1**) along with all consequential proceedings arising therefrom on the basis of compromise (**P-2**), entered into between the parties i.e. petitioners as well as respondent No.2.

2. The FIR was lodged on the statement of Smt. Kiran Sharma in which she stated that accused Ramesh Kumar in collusion with other accused has got the mutation sanctioned in his favour by furnishing false information that he is the sole legal heir of deceased Ram Saroop.

3. The Co-ordinate Bench, while issuing notice of motion, on 23.03.2023, passed the following order:-

“The present petition has been filed for quashing of FIR No.34 dated 03.04.2021 registered at Police Station Sadar Banga, District SBS Nagar, under Sections 420, 468, 469, 471 & 120-B IPC (Annexure P-1) on the basis of compromise (Annexure P-2).

Notice of motion.

Mr. Harkanwar Jeet Singh, AAG, Punjab, accepts notice on behalf of respondent No.1 and waives service.

Mr. Rahul Garg, Advocate, puts in appearance and accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 admits the factum of compromise.

The parties are directed to appear before the trial Court/Illaq Magistrate on 11.04.2023 for getting their statements recorded. After recording the statements of the parties, the learned trial Court/Illaq Magistrate shall send a report to this Court regarding genuineness of the compromise between them well before the next date of hearing.

Adjourned to 04.05.2023.”

4. In terms of aforesaid order, the statements of both the parties were recorded by learned Chief Judicial Magistrate, SBS Nagar and submitted a report dated 01.05.2023. The operative part of the same reads as under:-

“On the basis of statements suffered by the parties, this Court is of the considered view that the compromise entered between the parties i.e. complainant Kiran Sharma and accused Ramesh Kumar & Baldev Singh is genuine, voluntary and without any coercion or undue influence. The compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. ”

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. 10,000/-. Costs be deposited with Punjab and Haryana High Court Bar Association, Chandigarh Lawyers Family Welfare Fund.

10.08.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

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