

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

CRM-M-46215-2019

Date of Decision: 04.12.2023

CHAND SEHGAL AND ANOTHER

...Petitioners

Vs.

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Divya Gulati, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Ms. Jasneet Mehra, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition is for quashing of FIR No.51 dated 09.05.2013 under Sections 457 and 380 of the Indian Penal Code, 1860 registered at Police Station E Division, Amritsar City, District Amritsar and consequential proceedings arising out of the same, on the basis of compromise dated 07.02.2019 (Annexure P-2) arrived at, between the parties.

Vide order dated 13.10.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 08.11.2023 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Amritsar in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioners is quashed.

The trial Court has annexed the photocopies of statements of the parties, along with its report.

Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

In view of the report of the learned Civil Judge (Jr. Divn.)-cum-Judicial Magistrate 1st Class, Amritsar and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed.

Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

(MANJARI NEHRU KAUL)
(JUDGE)

04.12.2023

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No