
(2019) 01 P&H CK 0179

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 52966 Of 2018 (O&M)

Sahil Sharma And Anr

APPELLANT

Vs

State Of Punjab And Ors

RESPONDENT

Date of Decision : 31-01-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482

Indian Penal Code, 1860 — Section 406, 420, 468, 471, 506

Citation : (2019) 01 P&H CK 0179

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Kuldeep V. Singh, Vishal Sharma

Final Decision : Allowed

Judgement

Mahabir Singh Sindhu, J

Present petition under Section 482 Cr.P.C. has been filed praying for quashing of FIR No.444 dated 28.12.2017 (Annexure P-1), under Sections 406, 420, 468, 471 and 506 of the Indian Penal Code, registered at Police Station Zirakpur, District SAS Nagar along with all consequential proceedings arising therefrom on the basis of compromise dated 15.11.2018 (Annexure P-2) entered into between the parties i.e. petitioners as well as respondents No. 2 and 3.

This Court on 30.11.2018, while issuing notice of motion has passed the following order:-

" Notice of motion.

Mr. Vishal Sharma, Advocate appears on behalf of respondents no.2 and 3 and undertakes to file vakalatnama in the registry.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of respondent no.1. Copy of the petition supplied to him.

Learned Counsel for the petitioner 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 12.12.2018 for recording their statements with reference to the compromise, if any, which has been entered into between them. Learned Illaqa Magistrate/trial Court will 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 31.01.2019 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 above order, the statements of the parties were recorded by learned Sub Divisional Judicial Magistrate, Dera Bassi and submitted a report dated 08.01.2019. The operative part of the same reads as under:-

'As per statements so recorded, the parties to the petition, appearing before the Court, had submitted in union that a compromise had been effected between them and they have no objection, if the Fir in the present matter be quashed. The parties in the Court were identified by their respective counsel. In this FIR, no accused is 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 and no one has been declared as proclaimed offender in this case and there is no public funds involved.

On instructions from HC Ashok Kumar, learned State Counsel 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

the 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 above, this Court is fully convinced that the offences are entirely personal in nature and there is no public funds involved 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 along with all consequential proceedings resulting therefrom are quashed qua the petitioners.