
(2019) 03 P&H CK 0156

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 51565 Of 2018(O&M)

Sukhpal Singh @ Pal And Anr

APPELLANT

Vs

State Of Punjab And Anr

RESPONDENT

Date of Decision : 18-03-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 379(B)

Citation : (2019) 03 P&H CK 0156

Hon'ble Judges : Mahabir Singh Sindhu, J

Bench : Single Bench

Advocate : Vikasdeep Singh, C.L. Pawar, Nagar Singh

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.77 Dated 07.07.2018(Annexure P-1), Under Section 379 (B) Of The Indian Penal Code, Registered At Police Station Talwandi Chaudhrian, District Kapurthala Along With All Consequential Proceedings Arising Therefrom On The Basis Of Compromise Dated 01.10.2018 (Annexure P-2) Entered Into Between The Parties I.E. Petitioners As Well As Respondent No.2.

As Per The Allegations In The Fir, It Has Been Alleged That On 03.07.2018, The Complainant Was Present At Dandupur Turn (Gate) Near Talwandi Chaudhrian To Mundi Turn Regarding Some Household Work, Then Petitioners Came There On Motorcycle And They Forcibly Took Away The Mobile Phone And Purse Of The Complainant Containing Money As Well As Documents.

Heard Learned Counsel For The Parties And Perused The Paper Book.

On 26.11.2018, While Issuing Notice Of Motion The Following Order Was Passed By This Court:

"Notice Of Motion.

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

Mr. Nagar Singh, Advocate appears on behalf of respondent No.2 and files Vakalatnama.

Learned Counsel for the petitioners as well as respondent No.2 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 10.12.2018 for recording their statements with reference to the compromise, if any, entered into between them. Learned Illaqa Magistrate/trial Court is requested to 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).

(v) Whether any of the persons involved in this case/dispute has been declared a proclaimed offender.

List before this Court on 14.01.2019 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 Judicial Magistrate First Class, Sultanpur Lodhi and submitted a report dated 15.12.2018. The operative part of the same reads as under:-

'The compromise effected between the parties is genuine, valid, voluntary, without any threat, pressure, coercion or undue influence.'

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.

On Instructions From The Police Official Present In The Court, 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 Do Not Affect Any Public Peace And Tranquility, 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.