

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

CRM-M-20768-2015

Date of Decision: October 13, 2015

GURWINDER SINGH @ GINDA AND ANOTHER

....Petitioners

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Amit Dhawan, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

Mr. Mandeep Singh, Advocate
for respondent No.2.

NARESH KUMAR SANGHI, J

Prayer in this petition filed under Section 482 Cr.P.C.,
is for quashing of FIR No. 45, dated 26.05.2015 for the offences
punishable under Sections 380, 411 and 454 IPC, registered at
Police Station, Lohian, District Jalandhar and the consequential
proceedings arising therefrom, on the basis of compromise
(Annexure P-2).

On 01.07.2015, this Court had passed the following order:-

“Notice of motion to the Advocate General, Punjab, as well as, respondent No.2, for 17.09.2015.

Parties will be at liberty to move application before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise. On doing so, the Illaqa Magistrate/trial Court will record their statements with regard to the compromise on the date already fixed or some other date to be fixed by it and submit report to this Court by the next date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The Court shall also mention whether any of the accused is proclaimed offender and quashing sought is by all the accused”.

In compliance of the above, the informant/aggrieved person Tarlok Singh did appear before the Sub Divisional Judicial Magistrate, Nakodar and suffered the following statement:-

“I am complainant in the case FIR No.45 dated 26.05.2015 under Section 454, 380, 411 of Indian Penal Code, PS Lohian and the said FIR was lodged by me against the accused (1) Balwinder Singh @ Sunny S/o Bhajan Singh @ Harbhajan Singh & (2) Gurwinder Singh @ Ginda S/o Kewal Singh both r/o Village Aliwal, PO Turna, PS Lohian, Dist. Jalandhar. I have entered into a compromise with above said accused persons with my free will & without any kind of pressure. I have no objection if such FIR in question is quashed against the said accused by the Hon'ble High Court”.

Similar statement was suffered by the petitioners before the Court below.

The operative part of the report received from the learned Court below is as under:-

"On the basis of statements made by the parties before me, the compromise on the face of it appears to be genuine one having been arrived at by the parties with free will without any pressure or coercion. There is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties. It is submitted that the case is pending at the stage of consideration on charge. It is further submitted that no accused has been declared proclaimed offender in the present FIR and the quashing sought is by all the accused".

Learned counsel for the State, on instructions from Head Constable Balkar Singh of Police Station, Lohian, District Jalandhar and the learned counsel representing the informant/complainant very fairly conceded that due to intervention of the respectable and elderly people of the society, the private factions have resolved their dispute and effected a compromise (Annexure P-2), therefore, they have no objection if the impugned FIR and all the consequential proceedings arising therefrom, are quashed.

I have heard learned counsel for the parties and with their able assistance, gone through the material available on record.

In view of the totality of the facts and circumstances of the case and taking into consideration the ratio of the judgment delivered by a 5-Judge Bench of this Court in the matter of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), present petition is accepted and FIR No. 45, dated 26.05.2015, for the offences punishable under Sections 380, 411 and 454 IPC, registered at Police Station, Lohian, District Jalandhar and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

October 13, 2015
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