

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

CRM-M-20820-2015

Date of Decision: October 13, 2015

AMARJIT SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Samarth Sagar, Advocate,
for the petitioner.

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

Mr. Mohinder Kumar, 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. 10, dated 29.01.2014 for the offences
punishable under Sections 294, 323, 341, 354, 354-A and 506 read
with Section 34 of IPC, registered at Police Station, Lalru, District
SAS Nagar (Mohali), Punjab and all the consequential
proceedings arising therefrom, on the basis of compromise
(Annexure P-2).

On 03.07.2015, this Court had passed the following order:-

“The present petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.10 dated 29.01.2014 registered under Sections 354, 354-A, 323, 341, 294, 506, 34 I.P.C. at Police Station Lalru, District S.A.S. Nagar (Mohali), on the basis of compromise, which is as per counsel has been effected into between the parties.

Notice of motion, returnable for 13.10.2015.

At this stage, Mr. Mohinder Kumar, Advocate, who is present in Court accepts notice on behalf of respondent No.2 and also concedes that a compromise has been arrived at between the parties.

Parties are directed to appear before the Illaqa Magistrate/trial Court on the date already fixed i.e. 10.08.2015 for recording of their statements. A report as regards veracity of the compromise be furnished to this Court on or before the adjourned date”.

In compliance of the above, the prosecutrix as well as the petitioner who is stated to be brother-in-law (*Jeth*) of the prosecutrix did appear before the Court below and got recorded their respective statements with regard to the compromise. The report along with copies of the statements of the private parties, has been received.

Respondent No.2/informant/prosecutrix suffered the following statement:-

"I have compromised the matter with the accused. As per the compromise I do not wish to prosecute any criminal or any other litigation against the accused. I have entered into compromise without any coercion and undue influence out of free will and voluntarily. The compromise deed is Ex.CX. I submit the document of identity i.e. self attested copy of Adhar Card is Ex.P1".

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

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

"From the statements of the parties, I am satisfied that they have voluntarily entered into a compromise without any pressure or undue influence. I am satisfied that the compromise is genuine".

Learned counsel for the State, on instructions from Head Constable Gurpreet Singh of Police Station, Lalru, District SAS Nagar (Mohali), Punjab and the learned counsel representing respondent No.2-informant have also very fairly admitted the execution of the compromise (Annexure P-2) and have no objection if the impugned FIR and the consequential proceedings arising therefrom, are quashed.

After hearing learned counsel for the parties and going through the material available on record, this Court finds that a quarrel had took place between respondent

No.2/informant/prosecutrix and the petitioner and thereafter the

present FIR was registered. The petitioner is admittedly the brother-in-law (*Jeth*) of respondent No.2-informant. Therefore, keeping in view 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. 10, dated 29.01.2014, for the offences punishable under Sections 294, 323, 341, 354, 354-A and 506 read with Section 34 of IPC, registered at Police Station, Lalru, District SAS Nagar (Mohali), Punjab and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

October 13, 2015
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