

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-38273 of 2014

Date of decision: 24.08.2015

Mohan Singh and others

----Petitioner(s)

V/s

State of Punjab and others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. H.S. Kaler, Advocate for
Mr. Gurcharan Dass, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. H.S. Saggu, Advocate for respondents No.2 to 7.

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of the case FIR No.76, dated 29.04.2006 , under Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station, Tanda, District-Hoshiarpur(Annexure P-1), supplementary challan under Section 173(8) Cr.P.C. dated 19.01.2014 (Annexure P-2), charge sheet dated 02.02.2011 (Annexure P-3) and all subsequent proceedings on the basis of compromise dated 29.08.2014 and supplementary compromise dated 29.10.2014 (Annexures P-4 & P-5) respectively.

This Court vide order dated 13.03.2015, has passed the following order:-

“On the request of the learned counsel for the State, adjourned to 30.7.2015.

In the meantime, the parties are directed to be present before the trial Court on 20.3.2015 or any other date convenient to the Court for recording their statements with regard to compromise. The trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not a result of any pressure or coercion in any manner. It shall send a report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties or not before the next date of hearing. ”

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Dasuya and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Dasuya, has submitted his report dated 15.06.2015 to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

There is no other case is pending either of the parties for the trial Court.

Mr. Mr. H.S. Saggu, Advocate, has put in appearance on behalf of respondents No.2 to 7 and does not dispute the factum of compromise entered between the parties.

Learned State counsel has also admitted the factum of compromise effected between the parties

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No. 76, dated 29.04.2006 , under Sections 420, 465, 468, 471 and 120-B IPC, registered at Police Station, Tanda, District-Hoshiarpur(Annexure P-1), supplementary challan under Section 173(8) Cr.P.C. dated 19.01.2014 (Annexure P-2), charge sheet dated 02.02.2011 (Annexure P-3) and all subsequent proceedings on the basis of compromise dated 29.08.2014 and supplementary compromise dated 29.10.2014 (Annexures P-4 & P-5) respectively, are hereby quashed.

August 24, 2015
Anjal

(HARI PAL VERMA)
JUDGE