

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 43211 of 2014

Date of decision: 18.09.2015

Mandeep Singh and another

----Petitioner(s)

V/s

State of Punjab and another

-----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. Bhupinder Ghai, Advocate for the petitioners.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer made in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 39 dated 31.03.2008 under Sections 419 and 511 IPC, registered at Police Station Khamano, District Fatehgarh Sahib, subsequently challan was presented by adding Sections 420, 465, 467, 468 and 120-B of IPC and all other subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

This Court vide order dated 17.12.2014 has passed the following order:-

“Notice of motion for 27.2.2015.

This is a petition for quashing the FIR on the basis of compromise.

The parties are directed to appear before the trial Court/Illaq Magistrate on 20.12.2014 and the trial Court/Illaq

Magistrate shall record the statement of all the effected parties and shall report whether any volunteer compromise has been arrived at between the parties or not?

Report of the trial Court/Illaqa Magistrate in this regard be called for the date fixed.”

Pursuant to the aforesaid order dated 17.12.2014, the parties have appeared before learned Judicial Magistrate Ist Class, Fatehgarh Sahib and have got their statements recorded. On the basis of the statements so recorded, learned Judicial Magistrate Ist Class, Fatehgarh Sahib, has forwarded his report dated 20.12.2014 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. In view of the report, it is also submitted by learned Magistrate that as per the record, one of the accused, namely, Bahadur Singh son of Kirpa Singh, r/o Sidhuwal has been declared as absconder in this case vide order dated 22.11.2012.

The report received from the learned Magistrate, reveals that respondent No.2/complainant, namely, Harpreet Singh has compromised the matter with the accused party i.e. Mandeep Singh and Mewa Singh.

Learned counsel for the State, on instructions from ASI-Jagroop Singh, also submits that though the compromise has been effected between the parties, but the same has not been effected with all the accused, as one of the accused, namely, Bahadur Singh son of Kirpa Singh, r/o Sidhuwal has been declared as absconder in this case. He further submits that since the petitioners has not arrayed all the accused

as a party, FIR cannot be a quashing on the basis of compromise, which is partial in nature.

On the other hand, learned counsel for the petitioners, in support of his contention relies upon some judgments of this Court *in Paragu Singh Vs. State of Punjab & another, 2012 (2) R.C.R. (Criminal) 524, Sukhjinder Singh etc. Vs. State of Punjab etc., 2013 (3) R.C.R. (Criminal) 556, Tarun Miglani Vs. State of Haryana and another, 2013 (1) HLR 576, Mohinder Singh and others Vs. State of Punjab and others, 2013(3) R.C.R. (Criminal) 544* to state that partial compromise can be arrived at between the parties and FIR can be quashed qua the petitioners.

He further submits that no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners only. However, considering the fact that the FIR was registered on 31.03.2008 and the State machinery was put to its optimum use till date, the petitioners are liable to pay costs.

Taking into consideration the abovesaid judgments of this Court and 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. 39 dated 31.03.2008 under Sections 419 and 511 IPC, registered at Police Station Khamano, District Fatehgarh Sahib subsequently challan was presented by adding Sections 420, 465, 467, 468 and 120-B of IPC and all other subsequent proceedings arising therefrom on the basis of

compromise arrived at between the parties, are hereby quashed qua the present petitioners only, subject to payment of costs of ₹10,000/- to be deposited with the Punjab State Legal Services Authority. Chandigarh.

September 18, 2015
Anjal

(HARI PAL VERMA)
JUDGE