

275.

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

CRM-M-12607-2016

Date of decision:09.08.2016

Bhupinder Singh and another

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.K. Manchanda, Advocate,
for Mr. S.S.Rangi, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

Mr. Sahil Arora, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.136, dated 19.10.2012 under Sections 420, 406, 465, 468, 471, 120-B IPC, registered at Police Station Sirhind, District Fatehgarh Sahib and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 12.04.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Additional Chief Judicial Magistrate, Fatehgarh Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 12.05.2016 to the effect

genuine compromise and is the voluntary act of parties without there being any sort of pressure or coercion from any corner.

Respondent No.2-complainant, namely, Dharminder Singh has made his statement with regard to the compromise before learned Magistrate on 11.05.2016. The same is being reproduced as under:-

“Stated that the matter has been compromised with accused namely Bhupinder Singh and Sarabjit Singh. The said compromise is voluntary, genuine and is without any pressure or coercion. The photocopy of the compromise bearing my signatures is Annexure PX. I have no objection if FIR in question is ordered to be quashed against the above said. I also identify my signatures upon said compromise. As per compromise, all the civil suits were withdrawn by me.”

The learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise arrived at between parties. Even learned State counsel on instructions from HC Nazar Singh states that the police has already submitted the cancellation report in this case.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another-2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others-(2012) 10 SCC 303**, this petition is allowed and F.I.R. No.136, dated 19.10.2012 under Sections 420, 406, 465, 468, 471, 120-B IPC, registered at Police

Station Sirhind, District Fatehgarh Sahib and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

(HARI PAL VERMA)
JUDGE

09.08.2016

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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.