

273.

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

CRM-M-12723-2016

Date of decision:12.08.2016

Avtar Singh

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Parveen Kumar Garg, Advocate,
for the petitioner.

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

None 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.192, dated 03.11.2015 under Sections 419/ 420/ 465/467/468/471 of IPC registered at Police Station Chhajli, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.04.2016 (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 Judicial Magistrate Ist Class, Sunam and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 13.05.2016 to the effect that the compromise effected between parties is voluntarily with free consent and without any coercion undue influence or fear.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jagmail Kaur @ Jasmail Kaur, but no prejudice would be caused to her as she has already made her statement with regard to the compromise before learned Magistrate on 11.05.2016.

The same is being reproduced as under:-

“Stated that FIR No.192 dated 03.11.2015 Under Sections 419, 420, 465, 467, 468, 471 IPC Police Station Chhajli was registered on my statement. I have compromised with the accused. The compromise is voluntarily with free consent and without any coercion undue influence or fear. I have no objection if FIR is quashed. There is total one accused in the present case namely Avtar Singh. No accused is P.O. in this case.”

The learned State counsel on instructions from ASI Harvinder Singh, has not disputed the factum of compromise 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 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.192, dated 03.11.2015 under Sections 419/ 420/ 465/467/468/471 of IPC registered at Police Station Chhajli, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 02.04.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.08.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.