

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

CRM-M-12871 of 2016.
Decided on:-30.09.2016.

Prithi Singh @ Mintu and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Prashant Vashisth, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab
for the respondent-State.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.82 dated 19.6.2015 under Sections 406, 420 and 120-B IPC registered at Police Station Sadar Phagwara, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.8.2015 (Annexure P-2).

This Court vide order dated April 22, 2016 had directed the parties to appear before the trial Court to get their statements recorded to the satisfaction of the trial Court and the Court was directed to send its report.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Phagwara and got their statements recorded. On the basis of the statements so recorded by the parties, learned

Magistrate has submitted her report dated 2.6.2016 to the effect that the compromise effected between the parties is genuine, made voluntarily and without any pressure.

The factum of compromise between the petitioners and respondent No.2-complainant has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Sukhwant Singh has been recorded by learned Magistrate on 7.5.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“Stated that I have compromised the matter with both the accused and I have seen the copy of compromise which bears my signatures and I have no objection if the FIR No.82 dated 09.06.2015 be quashed.”

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 FIR No.82 dated 19.6.2015 under

Sections 406, 420 and 120-B IPC registered at Police Station Sadar Phagwara, District Kapurthala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners, namely, Prithi Singh @ Mintu and Harjit Kaur on the basis of compromise dated 18.8.2015 (Annexure P-2) effected between the parties.

September 30, 2016

Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No