

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

Criminal Misc. No. M-13414 of 2015

Date of Decision:-09.05.2016

Surinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

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. Atul Goyal, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG Punjab.

None for respondents No.2 to 4.

HARI PAL VERMA J.(Oral)

Prayer in the present petition is for quashing of FIR No.06 dated 7.4.2014 (Annexure P-1), under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station NRI, District Ludhiana City along with all consequential proceedings arising therefrom on the basis of compromise.

Vide order dated 21.9.2015, this Court had directed the parties to appear before the Area Magistrate on 17.10.2015 to

get their statements recorded and the learned Magistrate was directed to forward a report regarding the compromise and that the property having already been returned to the original owner/heirs of the original owner.

In compliance of the order dated 21.9.2015, the parties have appeared before the learned Magistrate and on 17.10.2015 statements of petitioners have been recorded, on 5.11.2015 statements of General Power of attorney of respondents No.3 and 4 and on 6.11.2015 statement of General Power of attorney of respondent No.2 has been recorded.

The report dated 6.11.2015 received from the learned Chief Judicial Magistrate, Ludhiana, reveals that the compromise has been effected between the parties without any undue pressure.

The statement made by Mr.Harbans Singh being General Power of Attorney holder of complainant Hardaman Kaur @ Hardaman Pal Kaur before the CJM, Ludhiana, on 6.11.2015 reads as under :-

“Stated that I am attorney holder of Ms. Hardaman Kaur @ Hardaman Pal Kaur complainant. I have brought the original general power of attorney in my favour, the copy of which is Ex.C1 on the file. Copy of I.D. proof i.e. driving licence is Ex.C2 original with me. The present case bearing FIR No.06 dated 7.4.2014, under Sections 419, 420, 465, 467, 468, 471, 120-B

IPC, P.S. NRI, Ludhiana has been registered against petitioner on the statement of complainant. Now with the intervention of respectables the matter has been compromised between complainant and three accused namely Surinder Singh, Hardeep Singh and Manjeet Singh and regarding the same a petition under Section 482 of Cr.P.C. for quashing the FIR was filed by accused namely Surinder Singh, Hardeep Singh and Manjeet Singh in Hon'ble Punjab and Haryana High Court and the Hon'ble High Court vide its order dated 21.9.2015 had directed the party to get their statements recorded. Since complainant Hardaman Pal Kaur compromised the matter with the accused namely Surinder Singh, Hardeep Singh and Manjeet Singh and the same is genuine, so being general power of attorney I do not want to pursue with the present case against the accused namely Surinder Singh, Hardeep Singh and Manjeet Singh only. Present compromise is with my free consent without any pressure, threat and coercion. I have no objection if the present FIR be quashed against the accused namely Surinder Singh, Hardeep Singh and Manjeet Singh only. The ownership and possession of the property in dispute has been reverted back to the complainant in the civil suit title 'Avtar Kaur and others vs. Surinder Singh and others', which was pending in the Court of Ms. Jublee, CJ(JD), Ludhiana and which was decreed and decided in the National Lok Adalat held on 6.12.2014 in

view of the compromise between me and accused. The certified copy of the order is Mark 'X'."

Similar statements have been made by Mr. Jasmer Singh being General Power of Attorney of respondent No.3-Avtar Kaur and Mr. Inderjit Singh being General Power of Attorney of respondent No.4-Rajinder Kaur, before the Chief Judicial Magistrate, Ludhiana, on 5.11.2015.

Learned State counsel does not dispute the aforesaid factual position, rather admits the factum of compromise effected between the parties.

Heard.

Since the parties have entered into a compromise and learned Magistrate has recorded their statements followed by his report, continuation of the trial arising out from the impugned FIR and consequential proceedings would be sheer abuse of the process of law since chances of conviction are bleak.

Keeping in view the factum of compromise effected between the parties and the law laid down by this Court in the case of **Kulwinder Singh and others vs. State of Punjab and another 2007(3) RCR (Crl.) 1052 (P & H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.06 dated 7.4.2014 (Annexure P-1), under Sections 419, 420, 465, 467,

468, 471 and 120-B IPC, registered at Police Station NRI, District Ludhiana City and the consequential proceedings arising therefrom are hereby quashed qua petitioners on the basis of compromise.

May 09, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE