

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

CRM-M-15266 of 2016
Date of decision: 12.12.2016

Balwinder Singh and another

----Petitioner (s)

V/s

State of Punjab and another

-----Respondent(s)

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

Present:- Mr.Rahul Rampal, Advocate for the petitioners.

Mr.Sultan Singh Gill, DAG, Punjab.

Mr.Rinku Singh Baziyan, Advocate for
complainant-respondent No. 2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.3 dated 02.01.2015 under Sections 420, 120-B IPC (Section 467, 468, 471 IPC added later on), registered at Police Station Salem Tabri, Distt. Ludhiana(Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 30.04.2016 (Annexure P-2).

This Court vide orders dated 05.05.2016 and 07.11.2016 had directed the parties to appear before Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid orders, the parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 01.12.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

The statement made by complainant-respondent No.2- *Amandeep Bansal* before the learned Magistrate on 15.11.2016, reads as under:-

“I have got registered FIR no.03, dated 02.01.2015 u/s 420, 120-B, 467, 468, 471 of IPC registered at P.S. Salemtabri, Distt. Ludhiana against accused Balwinder Singh and Taranvir Singh. I have entered into compromise with above said accused in said case. Accused persons have filed quashing before Hon'ble Punjab and Haryana High Court, Chandigarh against my above said case. I have no objection if the above said FIR is quashed against above named accused persons. I am deposing without any undue influence, coercion and pressure.”

Apart from the statement made by respondent No.2, whereby he has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned counsel State counsel as well as learned counsel for complainant-respondent No.2 do not dispute the factum of compromise entered between the parties.

Accordingly, 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)**, as 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.3 dated 02.01.2015(Annexure P-1) under Sections 420, 120-B IPC (Section 467, 468, 471 IPC added later on), registered at Police Station Salem Tabri, Distt. Ludhiana and all consequential proceedings arising therefrom, are quashed, qua petitioners, in view of the compromise dated 30.04.2016 (Annexure P-2).

12.12.2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No