

266.

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

CRM-M-18706-2016

Date of decision:30.09.2016

Jagdeep Singh and another

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Jasneet Nehra, Advocate,
for Mr. L.M. Gulati, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

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.48 dated 01.07.2015 under Sections 452/323/324/326/34 of IPC, registered at Police Station Jhander, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 13.05.2016 (Annexure P-2).

This Court vide order dated 27.05.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Ajnala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 29.08.2016 to the effect that the compromise has been voluntarily entered into between parties and same is genuine and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Mandeep Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 15.07.2016. The same is being reproduced as under:-

“That on my statement a FIR no.48 dated 01.07.2015 U/s 452/323/324/326/34 IPC P.S Jhander, registered against Jagdeep Singh son of Jagtar Singh and Jagtar Singh son of Harbans Singh both r/o Kandhowali, Tehsil Ajnala, District Amritsar. Now with the intervention of the respectables the matter have been compromised with the accused. I have no objection if the present FIR be quashed against the accused persons. I am giving this statement in this Hon'ble Court without any pressure or force. I do not want to proceed further with the present criminal case lodged against the accused persons.”

Learned State counsel 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.48 dated 01.07.2015

Jhander, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 13.05.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.