

267.

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

CRM-M-18744-2016

Date of decision:30.09.2016

Gulzar Singh and another

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. H.S. Jalal, 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.160 dated 18.09.2009 under Sections 452, 324, 323, 34, 120-B IPC, registered at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.02.2016 (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 Sub Divisional Judicial Magistrate, Garhshankar and got their statements recorded. On the basis of the statements so recorded, learned

compromise has been effected between the parties without any pressure or coercion and the same is genuine.

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

“Stated that I have effected compromise with the accused. The said compromise has been reduced into writing. The photo copy of the said compromise dated 05.02.2016 is correct. The said compromise has been arrived by me without any pressure and the same is voluntary act on my part. Compromise is genuine, made voluntarily by me and him without coercion and undue influence. Out of the accused named in the FIR, Darshan Singh accused has died and the other accuseds Gulzar Singh and Resham Kaur are present in the court. I have no objection in case the FIR No.160 Dated 18.9.2009 Under Section 323, 324, 452, 34, 120/B IPC PS Garhshankar is quashed against the accused. The photo copy of the compromise is Mark-A and affidavit executed by me is Mark-B.”

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.160 dated 18.09.2009 under Sections 452, 324, 323, 34, 120-B IPC, registered at Police Station Garhshankar, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 05.02.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.