

279.

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

**CRM-M-21679-2016**

Date of decision:07.09.2016

Gurbaksh Singh @ Babbu

... Petitioner

versus

State of Punjab and another

.... Respondents

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

----

Present: Mr. Robin Lohan, Advocate,  
for Ms. Alisha Soni, Advocate,  
for the petitioner.

Mr. P.S. Madahar, AAG, Punjab.

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.225 dated 23.09.2009 under Sections 365/34 IPC, registered at Police Station Shimla Puri, District Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.06.2016 (Annexure P-2).

This Court vide order dated 23.06.2016 had directed the parties to appear before the CJM/Illaqa Magistrate 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 Chief Judicial Magistrate, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 12.07.2016 to the effect that the parties have

arrived at the compromise with their free consent and voluntarily.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jai Ram, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 08.07.2016. The same is being reproduced as under:-

“Stated that present case bearing FIR no.225 dated 23.09.2009 u/ss 365/34 IPC, PS Shimlapuri, Ludhiana has been registered against Gurbaksh Singh @ Babbu on my statement. Now with intervention of respectables, the matter has been compromised between me and accused Gurbaksh Singh @ Babbu and regarding the same a petition under Section 482 of Cr.P.C for quashing the FIR was filed by accused Gurbaksh Singh @ Babbu in Hon'ble Punjab and Haryana High Court and the Hon'ble High Court vide its order dated 23.06.2016 had directed the party to get their statements recorded. Since I have compromised the matter with the accused Gurbaksh Singh @ Babbu and the same is genuine So I do not want to pursue with the present case against Gurbaksh Singh @ Babbu. Present compromised is with my free consent without any pressure, threat and coercion. I have no objection if the present case be quashed against the accused Gurbaksh Singh @ Babbu.”

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.225 dated 23.09.2009

under Sections 365/34 IPC, registered at Police Station Shimla Puri, District Ludhiana City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 06.06.2016 (Annexure P-2).

**(HARI PAL VERMA)**  
**JUDGE**

07.09.2016  
sanjeev

|                           |         |
|---------------------------|---------|
| Whether speaking/reasoned | Yes/No. |
| Whether Reportable:       | Yes/No. |