

264.

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

CRM-M-22354-2016

Date of decision:27.10.2016

Aman Singh @ Amandeep Singh

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

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

Mr. Dilpreet Singh Gandhi, Advocate,
for Mr. Vikas Gupta, Advocate,
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.28 dated 04.06.2016 under Sections 379-B/506/511 IPC, registered at Police Station Fatehgarh Churian, District Batala (Gurdaspur) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed and affidavit dated 13.06.2016 (Annexure P-2 & P-3 respectively).

This Court vide order dated 08.07.2016 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, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.10.2016 to the effect that the compromise effected between parties is genuine, voluntary and without any influence, coercion or threat.

Respondent No.2-complainant, namely, Mahesh has made his statement with regard to compromise before learned Magistrate on 17.08.2016. The same is reproduced as under:-

“I am complainant of this case. I have entered into compromise with Aman Singh @ Amandeep Singh son of Avtar Singh, resident of Badhowal Road, Fatehgarh Churian, Tehsil Batala, District Gurdaspur accused (Petitioner). The compromise has been entered into by me, out of my own free will and consent, voluntarily without any pressure, with the intervention of respectable persons. Now I have no grudge against the accused (petitioner). I have no objection if the present FIR and subsequent proceedings are quashed against accused (petitioner).”

Learned State counsel as well as learned counsel for respondent No.2 have 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.28 dated 04.06.2016

under Sections 379-B/506/511 IPC, registered at Police Station Fatehgarh Churian, District Batala (Gurdaspur) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise deed and affidavit dated 13.06.2016 (Annexure P-2 & P-3 respectively).

(HARI PAL VERMA)
JUDGE

27.10.2016
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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.