

265.

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

CRM-M-22616-2016

Date of decision:03.11.2016

Bhajan Singh and another

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurpal Singh Sandhu, 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.161 dated 30.09.2015 under Sections 447/427/201/120B of IPC, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.06.2016 (Annexure P-2).

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 Chief Judicial Magistrate, Sri Muktsar Sahib and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.09.2016 to the effect that the compromise arrived at between parties is voluntary and without any pressure or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Rashpal Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 19.08.2016. The same is reproduced as under:-

“Stated that FIR No.161 dated 30.9.2015 U/S 447/427/201/120-B (wrongly written as 210-B) IPC, PS City Sri Muktsar Sahib was registered at my instance against Bhajan Singh son of Gurdial Singh and Jagsir Singh son of Pala Singh. There were only two accused named in the FIR. Now the matter has been compromised with the intervention of the respectables amicably and photostat copy of compromise is Ex. C 1 (Original has been produced before the Hon'ble High Court). I identify my signature at Mark C. Same has been reduced into writing on 23.6.2016 which bears my signatures. The compromise has been effected voluntarily, without any coercion, fraud or misrepresentation and with the free will of the parties. I have no objection if the FIR No.161 dated 30.9.2015 U/S 447/427/201/120-B (wrongly written as 210-B) IPC, PS City Sri Muktsar Sahib is quashed.”

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

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.161 dated 30.09.2015 under Sections 447/427/201/120B of IPC, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 23.06.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

03.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.