

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

CRM-M-23724 of 2015

Date of decision: 24.10.2016

Balwant Rai

-----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- None for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. M.S. Saini, Advocate for
Mr. A.S. Barnala, 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 FIR No.152 dated 27.09.2007 under Sections 420, 466, 467, 468 and 471 IPC, registered at Police Station Guman Police Distt. Batala Distt. Gurdaspur and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 29.08.2012 (Annexure P-2).

This Court vide order dated 11.07.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 11.07.2016, the 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 forwarded report dated 03.09.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

The statement made by the complainant-respondent No.2, namely, *Darshan Singh son of Ujjagar Singh* before the Magistrate on 23.08.2016, reads as under:-

“That the above noted case FIR No.152 of 27.09.2007 under Section 420/466/467/468/471 Indian Penal Code, Police Station Ghuman was registered on my statement against the accused person namely Balwant Rai son of Makhu Ram resident of House No.415/5 Sangalpura road, Gurdaspur. Now with the intervention of the respectable the matter stand compromised and I have no grudge against the accused person. Now I have no objection if the present FIR is quashed. I have given this statement without any coercion, pressure and with my own free will.”

Apart from the statement of the complainant-respondent No.2- *Darshan Singh*, whereby he has shown no objection to the FIR being quashed, there is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned counsel for the State as well as learned counsel appearing for complainant-respondent No.2 does not dispute the factum of compromise entered between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.152 dated 27.09.2007 under Sections 420, 466, 467, 468 and 471 IPC, registered at Police Station Guman Police Distt Batala Distt. Gurdaspur and all other consequential proceedings arising therefrom are quashed, qua the petitioner, in view of the compromise/affidavit dated 29.08.2012 (Annexure P-2).

24.10.2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No