

277.

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

CRM-M-24704-2016

Date of decision:04.11.2016

Darshan Singh and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Harvinder Singh Maan, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondents No.1, 3 to 5.

Mr. Manpreet Singh Sidhu, Advocate,
for Ms. Manjot Kaur Lang, 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.10 dated 18.02.2016 under Sections 379, 447, 429, 506, 511 of IPC (Annexure P-1) and DDR No.21 dated 27.02.2016 vide which offence under Section 431 IPC was added, registered at Police Station Kot Dharmu, District Mansa (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.06.2016 (Annexure P-3).

As per memo of parties, petitioners No.5 and 6 are one and the same person.

This Court vide order dated 10.08.2016 had directed the parties to appear before the 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, Mansa and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.09.2016 to the effect that the compromise effected between parties appears to be genuine, voluntary and without any pressure, undue influence, coercion and fear.

Respondent No.2-complainant, namely, Makhan Singh has made his statement with regard to compromise before learned Magistrate on 07.09.2016. The same is reproduced as under:-

“Stated that I am resident of above said address. I am complainant and I had got recorded FIR No.10 dated 18.02.2016 under section 379/447/429/506/511 IPC, P.S. Kot Dharmu against Darshan Singh, Gurchet Singh, Mithu Singh, Gagandeep Singh, Jaspal Singh @ Kala, Bhola Singh, Surjit Singh Ex. Patwari and Davinder Singh. Now, respectable persons and relatives got compromised our matter. I compromised with all accused with free will and without any pressure or coercion. I have no objection if all accused are acquitted in this case. May kindly my statement be sent to Hon'ble High Court.”

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.10 dated 18.02.2016 under Sections 379, 447, 429, 506, 511 of IPC (Annexure P-1) and DDR No.21 dated 27.02.2016 vide which offence under Section 431 IPC was added, registered at Police Station Kot Dharmu, District Mansa (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.06.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

04.11.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.