

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-24222 of 2015
Date of Decision: 27.05.2016**

Harvinder Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Surinder Sharma, Advocate
for the petitioners.

Mr. K.S.Aulakh, AAG, Punjab.

Mr. Naveen Sharma, Advocate
for respondent No. 2.

ANITA CHAUDHRY, J(ORAL)

The instant petition is for quashing of FIR No. 10 dated 6.4.2013 registered under Sections 406, 498-A IPC, Police Station NRI PS, District Jalandhar (Annexure P-1) and all the consequent proceedings arising out of the same, on the basis of written compromise arrived at between the parties.

The State counsel on one of the hearings had pointed out that both the petitioners were proclaimed offenders whereas the petitioners had stated that they were not declared proclaimed offenders. The file was summoned as there was an order dated 13.8.2013 which referred to the fact that Harvinder Singh and Makhan Singh had been declared proclaimed offenders. When the file was examined, it was found that it did not contain the order. Record was sent back and report of the concerned Court was

called for. It was found that the proclamation was effected. There is no order available on record to show that they were declared proclaimed offenders.

Report has been received from the trial Court after statements of the parties were recorded regarding the compromise. The trial Court has reported that the compromise is voluntary, without any pressure or coercion and is genuine one. The trial Court has also sent copy of the statements of parties.

Learned counsel for the State on instructions submits that the petitioners are the only accused and respondent No. 2 is the only aggrieved person in this FIR.

No useful purpose would be served to keep the FIR pending.

In view of the statements and report of the trial Court and the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**, the instant petition is allowed and the aforesaid FIR and all consequent proceedings conducted on the basis thereof are quashed qua the petitioners.

Needless to say that parties shall remain bound by the terms of compromise and their statements made in the Court below.

Lower Court record be sent back.

(ANITA CHAUDHRY)
JUDGE

May 27, 2016
Gurpreet