

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

CRM-M-24327 of 2015
Date of decision: 28.11.2016

Shamgir

----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

Present:- Mr.Ashok Kumar Sharma, Advocate for the petitioner.

Mr.Sultan Singh Gill, DAG, Punjab.

Mr.Naveen Gupta, Advocate for respondents
No. 2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.19 dated 20.03.2013 under Sections 420/406 IPC, registered at Police Station Julkan, District-Patiala (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 28.03.2013 (Annexure P-2).

This Court vide order dated 17.05.2016 had directed the parties to appear before 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 17.05.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Patiala and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 26.08.2016 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.

Joint statement made by respondent No.2-Prithvi Singh and respondent No.3-Gurmeet Singh with regard to the compromise before learned Magistrate on 22.07.2016, reads as under:-

“That we are the complainant of FIR no.19 dated 20.03.2013 u/s 420, 406 IPC of P.S.Julka Patiala stated that a compromise has been effected between us and accused Sham Gir. We have no objection if the aforesaid FIR is quashed by the Hon'ble Punjab and Haryana High Court. The compromise between us is out of our free will and consent and without any force, pressure or coercion. The compromise will lead to maintenance of peace and harmony between us and as such we pray that aforesaid FIR may kindly be quashed.”

Apart from the above statement made by respondents No.2 and 3 whereby they have 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 State counsel as well as learned counsel for respondents No. 2 and 3 do 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.19 dated 20.03.2013 under Sections 420/406 IPC, registered at Police Station Julkan, District-Patiala (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 28.03.2013 (Annexure P-2).

28.11.2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No