

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

CRM-M-28463 of 2016.
Decided on:-09.12.2016.

Pritpal Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. K.S. Sidhu, Senior Advocate with
Mr. G.S. Benipal, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

Mr. Vishal Sharma, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.461 dated 21.11.1999 under Sections 192, 195, 211, 464, 465, 468, 471 and 120-B IPC registered at Police Station Division No.5, Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom including order dated 4.10.2014 passed by learned Judicial Magistrate 1st Class, Ludhiana (Annexure P-2), charge-sheet dated 4.10.2014 (Annexure P-3) and order dated 14.7.2015 passed by learned Additional Sessions Judge, Ludhiana (Annexure P-4) on the basis of compromise dated 22.07.2016 (Annexure P-5) effected between the parties.

This Court vide order dated August 22, 2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Additional Chief Judicial Magistrate, Ludhiana and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 28.10.2016 to the effect that the compromise effected between the parties is result of free volition and without any inducement, threat or pressure.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for the respondent No.2-complainant.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Maninderjit Singh has been recorded by learned Magistrate on 09.09.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“Stated that the present case bearing FIR No.461 dated 21.11.1999 U/s 192/195/211/464/465/468/471/120-B IPC P.S. Div. No.5 Ludhiana was registered against the accused Pritpal Singh s/o Atma Singh r/o # No.165/3 Dr. Sham Singh Road Civil Lines Ludhiana and other accused persons namely

Harbans Singh and Vipam Dhir. I have compromised the matter with the accused Pritpal Singh only and not with the other accused persons namely Harbans Singh and Vipam Dhir. I have brought the copy of compromise and same is Ex.PA on which I identify my signatures and signatures of accused Pritpal Singh. The compromise is voluntarily and out of my free will without any inducement, threat and pressure and is with the intervention of respectables of our locality and I have no grudge against the accused Pritpal Singh present in the court.

One another case titled as State Versus Maninderjit Singh pending in the court of Sh. Jagjit Singh JMJC, Ludhiana in which compromise has also effected between me and accused Pritpal Singh and statement has already suffered in the said court regarding the compromise. Apart from this case, I had also filed one criminal complaint titled as Maninderjit Singh Versus Pritpal Singh and others and I had also filed one miscellaneous application under section 340 Cr.PC against the accused Pritpal Singh and others which had already been clubbed with the present case. I have also compromised the said criminal complaint and application under section 340 Cr.PC with accused Pritpal Singh only. I have no objection if the said FIR, criminal complaint and the proceedings of the application under section 340 Cr.PC are quashed by the Hon'ble High Court against accused Pritpal Singh only. There is no compromise with another co-accused persons namely Harbans Singh and Vipam Dhir, no accused is proclaimed absconder in the present case and there is no other case is pending against accused Pritpal Singh.”

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. qua the petitioner-accused Pritptal Singh.

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 FIR No.461 dated 21.11.1999 under Sections 192, 195, 211, 464, 465, 468, 471 and 120-B IPC registered at Police Station Division No.5, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner-accused Pritptal Singh only on the basis of compromise dated 22.07.2016 (Annexure P-5) effected between the parties.

December 09, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No