

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

CRM-M-28664 of 2014

Date of decision: 07.04.2016

Kulwinder Singh

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.300, dated 19.12.2010, for offences punishable under Sections 420/465/467/468/471/120-B registered at Police Station, Sadar, Jalandhar, Distt. Jalandhar (Annexure P-1), and all the consequential proceedings arising therefrom on the basis of compromise dated 12.08.2013(Annexure P-2).

Though, a perusal of the previous orders passed by this Court from time to time show that despite granting several opportunities, parties have not appeared before the trial Court to get

their statements recorded with regard to compromise, however, this Court, vide order dated 03.03.2016, had once again directed the parties to appear before the learned trial Court on or before 15.03.2016 to get their statements recorded and the learned Court was directed to record the statements of parties in terms of the order dated 09.01.2015 passed by this Court.

Pursuant to the aforesaid order dated 03.03.2016, the parties have appeared before learned Addl. Chief Judicial Magistrate, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 23.03.2016 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.

Though, today no one is present on behalf of respondent No.2-complainant, namely, *Balvir Kaur*, but no prejudice would be caused to her, as she already suffered statements before learned Magistrate on 22.03.2016.

The statement suffered by complainant-respondent No.2, namely, *Balvir Kaur wife of Malkiat Singh* before learned Magistrate on 22.03.2016, reads as under:-

“Stated that compromise has been effected between me and accused in case FIR No.300 dated 19.12.2010 registered at PS Sadar, Jalandhar including the present petitioner Kulwinder Singh son of Mukhtiar Singh, resident of village Shahpur, Tehsil and District Jalandhar. I have received a sum of Rs.20,00,000/- from all the accused including Kulwinder Singh. FIR against the other accused except accused Kulwinder Singh had already been quashed by the Hon'ble High Court vide order dated 16.05.2014. Compromise has been effected between me and the accused

Kulwinder Singh with my own free will and without any coercion, undue influence and pressure from any side. I have no objection if the present FIR is also quashed against the accused-Kulwinder Singh.

Apart from the statement of the complainant-respondent No.2-Balvir Kaur, wherein, she 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 has not disputed the factum of compromise arrived at 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.300, dated 19.12.2010, for offences punishable under Sections 420/465/467/468/471/120-B registered at Police Station, Sadar, Jalandhar, Distt. Jalandhar (Annexure P-1), and all the consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of compromise dated 12.08.2013(Annexure P-2).

07.04.2016

Anjal

**[HARI PAL VERMA]
JUDGE**