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

CRM-M-8277-2016

Date of decision:01.09.2016

Harjit Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Anil Chawla, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

Mr. Brij Mohan, Advocate,
for Mr. S.S. Sarwara, 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 F.I.R. No.261 dated 07.07.2014 under Sections 420, 364-A, 368, 120B IPC registered at Police Station 'A' Division, Amritsar City, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 26.10.2015/02.11.2015 (Annexure P-2).

This Court vide order dated 09.03.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise, however, parties could not appear. Again vide order dated 11.05.2016, parties were directed to appear before learned Illaqa Magistrate/trial Court to get their statements recorded.

Pursuant to the aforesaid order dated 11.05.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 30.08.2016 to the effect that the compromise effected between parties is genuine, voluntary, without any threat or coercion.

Respondent No.2-complainant, namely, Gurcharan Singh, has made his statement with regard to the compromise before learned Magistrate on 11.07.2016. The said statement reads as under:-

“An FIR bearing No.261 dated 7.7.2014 under section 420, 364-A, 368, 120-B of IPC was registered at Police station A-Division, District Amritsar at my instance against accused Harjit Singh, Gurjant Singh and Tirth Singh. The FIR has been registered against aforementioned accused only. The matter has been compromised between us voluntarily, without any threat, coercion or undue influence. I do not want to proceed with the present case against the accused persons. I have no objection if the quashing petition filed before the Hon'ble High Court titled as “Harjit Singh & others VS State of Punjab & another' bearing No.CRM-M-8277 of 2016 by the accused is allowed. As per my information the accused persons were never declared as Proclaimed offenders in the aforesaid case.”

Learned State counsel as well as learned counsel appearing on behalf of 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.261 dated 07.07.2014 under Sections 420, 364-A, 368, 120B IPC registered at Police Station 'A' Division, Amritsar City, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 26.10.2015/02.11.2015 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.