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

CRM-M-10174-2017

Date of decision:11.09.2017.

JASWINDER SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Harneet Singh Oberoi, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

Mr. K.S. Khaira, Advocate, for
Mr. Vishal Rattan Lamba, Advocate,
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0225 dated 01.12.2016 under Sections 365, 323, 342, 506, 148, 149 IPC, registered at Police Station Kotwali Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.12.2016 (Annexure P-2).

This Court vide order dated 24.03.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court on 03.04.2017 to get their statements recorded and the learned Magistrate was directed

some misconception, on 03.04.2017, petitioners could not appear before the trial Court. Accordingly, vide order dated 26.05.2017, parties were again directed to appear before the trial Court/Illaq Magistrate to get their statements recorded in terms of order dated 24.03.2017.

Pursuant to the aforesaid orders, 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 submitted report dated 01.07.2017 to the effect that the compromise effected between the parties is genuine, without coercion or undue influence and an outcome of free will and consent of the parties.

Respondent No.2-complainant, namely, Aman Saxena has made his statement with regard to compromise before learned Magistrate on 09.06.2017. The said statement was also signed by Sanjeev Kumar Saxena, who is the father of the complainant. The same is reproduced as under:-

“I am the complainant in the instant case. That with the intervention of the respectables from the society as well as common friends, a compromise dated 6.12.2016 was effected between me and the accused Jaswinder Singh, Prabhjot Singh, Tarun Dhiman and George Singh and today I have seen the copy of the compromise deed, which is Ex.CX1. I shall remain bound to the aforementioned compromise Ex.CX with its conditions and terms. The aforesaid compromise was executed without any pressure, coercion, threat or inducement and it was executed with my

free consent and will and after going through the compromise dated 6.12.2016 Ex.CX I have signed the same in the presence of witnesses and I identify my signatures thereon. I also executed an affidavit regarding the compromise which is Ex.CY and I identified my signatures on the same.”

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.0225 dated 01.12.2016 under Sections 365, 323, 342, 506, 148, 149 IPC, registered at Police Station Kotwali Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.12.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

11.09.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No