

250.

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

CRM-M-11757-2017

Date of decision:17.07.2017

HARWINDER SINGH @ LAL AND OTHERS ... Petitioners

versus

STATE OF PUNJAB AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Veneet Sharma, Advocate,
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab,
for respondent No.1.

Mr. Deepak Aggarwal, Advocate,
for Mr. Sandeep Sharma, Advocate,
for respondents No.2 to 5.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.76 dated 16.05.2016 under Section 382 IPC (Sections 379-B, 201, 120-B IPC were added subsequently), registered at Police Station Patti, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.02.2017 (Annexure P-2).

This Court vide order dated 07.04.2017 had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the

genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional District & Sessions Judge, Tarn Taran and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.04.2017 to the effect that the compromise has been arrived at between the parties out of their free will and consent.

Respondent No.2-complainant, namely, Gautam Kumar has made his statement with regard to compromise before learned Magistrate on 25.04.2017. The same is reproduced as under:-

“State that I am the complainant of this case. FIR 76/16 PS Patti u/s 379-B, 201, 120B, IPC which was recorded on the basis of my statement. I have entered into compromise with the accused party, using my free will and consent, without any undue influence, coercion and without any allurement through the intervention of respectables. Copy of the compromise is Ex.CX. This compromise will bring peace, amity, and harmony in between the parties and in the area. I do not want to take any action against the accused persons. The money involved in this case belong to Sh. Shoban Jain S/o Sh. Yashpal Jain. Rs.8,50,000/- has been received by Sh. Shoban Jain on sapurdari from the court and Rs.50,000/- has not been recovered from the accused persons. This money belongs to Shoban Jain & Brothers, Commission Agents Kot Budha, aforesaid. Compromise Ex.CX bears my signature as well signature of Anu Jain and Shoban Jain and the accused persons who have signed it voluntarily using their free will and consent and without any undue influence, coercion and any allurement. FIR may be quashed on the basis of compromise.”

Apart from this, similar statements have been made by

Mahan Singh, Anu Jain and Sobhan Jain-respondents No.3 to 5

respectively, whereby they have shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondents No.2 to 5 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.76 dated 16.05.2016 under Section 382 IPC (Sections 379-B, 201, 120-B IPC were added subsequently), registered at Police Station Patti, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.02.2017 (Annexure P-2), subject to payment of ₹25,000/- to be deposited with the Legal Services Authority, Tarn Taran.

(HARI PAL VERMA)
JUDGE

17.07.2017
sanjeev

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