

240.

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

CRM-M-12419-2017

Date of decision:01.11.2017

MUKHTIAR SINGH & ANR

... Petitioners

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gursimran Singh Bawa, Advocate,
for the petitioners.

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

Mr. Harjot Singh, Advocate,
for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.71 dated 08.03.2017 under Sections 452, 323, 506, 34 IPC, registered at Police Station E Division, Amritsar, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.03.2017 (Annexure P-2).

This Court vide order dated 23.08.2017 had directed the parties to appear before the Illaqa Magistrate/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 Chief Judicial Magistrate, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.09.2017 to the effect that the compromise effected between the parties is genuine, voluntarily and out of free will of the parties.

Respondent No.2-complainant, namely, Pankaj Sethi has made his statement with regard to compromise before learned Magistrate on 25.09.2017. The same is reproduced as under:-

“That one FIR no.71 dated 08.03.2017, under section 452/323/506/34 of IPC, PS E Division, Amritsar was registered on my statement against accused persons namely Mukhtiar Singh and Balwinder Kaur @ Bindu. Neeru Sethi and Anita Maheshwari are eye witnesses. Now with the intervention of respectables of society, compromise has been effected between us without any pressure and undue influence. As per the compromise, I alongwith Neeru Sethi and Anita Maheshwari do not want to proceed with the case further and I have no objection if the FIR no.71 dated 08.03.2017, under section 452/323/506/34 of IPC, PS E Division, Amritsar be quashed/cancelled by the Hon'ble High Court qua accused. It is further submitted that there are two persons arrayed as accused in FIR and no accused is declared proclaimed offender at any stage.”

Apart from above, similar statements have been made by respondents No.3 and 4 namely, Neeru Sethi and Anita Maheshwari respectably, whereby they have shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondents No.2 to 4 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.71 dated 08.03.2017 under Sections 452, 323, 506, 34 IPC, registered at Police Station E Division, Amritsar, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 28.03.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.11.2017
sanjeev

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