

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

CRM-M-14508-2016 (O&M)

Date of decision: 03.10.2017

Lati

.... Petitioner

versus

State of Punjab and anr.

.... Respondents

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

Present: Mr. Vikas Gupta, Advocate for  
Mr. D.S.Gandhi, Advocate  
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Vaibhav Mittal, Advocate  
for respondent No.2.

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**Hari Pal Verma, J.(Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.24 dated 07.02.2013 under Sections 435, 427 IPC registered at Police Station Sadar Amritsar, Amritsar City (Annexure P-1) on the basis of compromise dated 28.03.2016 (Annexure P-2).

This Court vide order 29.04.2016 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and learned trial Court/Illaq Magistrate was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before learned Addl. Chief Judicial Magistrate, Amritsar and got their

statements recorded. Learned Magistrate has forwarded his report dated 30.05.2016 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any pressure or undue influence from either side. Thus, the compromise is genuine and valid. The statement of Dr. Gurdeep Singh, complainant, which is accompanied with the report, reads as under:-

*“Statement of Dr. Gurdeep Singh, son of Harbans Singh, resident of village Panjgrain, Gurdaspur, Punjab Presently working at Gali No.5, Vijay Nagar, Naveen Hospital, Batala Road, Amritsar. ( ON S.A).*

*That one FIR No.24 dated 07.02.2013, under Section 435/427 of IPC registered at PS Sadar, Amritsar was got registered by me against accused Lati son of Ramesh Kumar, R/o H.no.10, Gali No.6, Paris Town, Batala Road, Amritsar. 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 do not want to proceed with the case further and I have no objection if the FIR No.24 dated 07.02.2013, under Section 435/427 of IPC registered at PS Sadar, Amritsar be quashed/cancelled by the Hon'ble High Court qua abovesaid accused.*

*RO & AC  
Sd/- Gurdeep Singh  
Sd/- (Adv)*

*Sd/-  
(Gurpartap Singh),  
ACJM/Asr./30.05.2016”*

Learned counsel for State on instructions from HC Balbir Singh submits that earlier, the petitioner was a proclaimed offender, however, he had joined the PO proceedings and as on date, he is not a PO. He also does not dispute the factum of compromise between the parties.

Learned counsel for the respondent no.2/complainant has not disputed the factum of the compromise between the parties.

Even in the report submitted by learned Addl. Chief Judicial Magistrate, the accused is not a PO in this case. 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.

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.24 dated 07.02.2013, under Section 435/427 of IPC registered at PS Sadar, Amritsar (Annexure P-1) along with all the consequential proceedings is quashed *qua* the petitioner, in view of compromise dated 28.03.2016 (Annexure P-2).

(HARI PAL VERMA)  
JUDGE

03.10.2017

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1. Whether reportable?
2. Whether speaking/Non-speaking?

Yes/No

Yes/No