

249.

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

CRM-M-14647-2017

Date of decision:18.08.2017

MUKHTAR SINGH & ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vishwjeet Singh, Advocate,
for Mr. Sandeep S. Majithia, Advocate,
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab,
for respondent No.1.

None 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.192 dated 04.12.2016 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Beas, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.03.2017 (Annexure P-2).

This Court vide order dated 28.04.2017 had directed the parties to appear before the Illaqa Magistrate 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 Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 31.07.2017 to the effect that the compromise has been effected between the parties voluntarily, out of their free will, without any pressure or coercion and the same appears to be genuine one.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Gurmeet Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 26.05.2017. The same is reproduced as under:-

“The present case has been registered on my statement against Mukhtiar Singh aged 64 years son of Arjun Singh resident of village Nijjar Tehsil Baba Bakala Sahib, District Amritsar and Jagdish Mitter aged 59 years son of Ram Chand resident of H.No.854, Near big Gurdwara Rayya, District Beas. Now the matter has been compromised between us with the intervention of respectable persons of the village. I do not want to take further action against the accused persons. I do not want to proceed further with the said FIR against the accused persons. I have no objection if the FIR No.192 of 04.12.2016 and subsequent proceedings arising out of said FIR registered at Police Station Beas are quashed by the Hon'ble High Court. No accused is proclaimed offender in the present FIR. No any other case is pending against us. I have voluntarily made this statement out of free will and without any threat or pressure.”

Learned State counsel has 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.192 dated 04.12.2016 under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Beas, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.03.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

18.08.2017
sanjeev

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