

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

**CRM-M-17240-2017
Date of decision-04.08.2017**

Kesar Singh and others

...Petitioners

Vs.

State of Punjab and another

...Respondents

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

Present: Mr. A.S.Dhindsa, Advocate for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

Mr. J.S.Bhinder, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.293 dated 28.12.2016 registered under Sections 420, 465, 467, 471 and 120-B of Indian Penal Code (in short 'IPC') at Police Station Rajpura City, 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 16.05.2017 had directed the parties to appear before the trial Court/Illaq 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, Rajpura, District Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.06.2017 to the effect that the

compromise effected between the parties is genuine, voluntary, without any threat or coercion.

Respondent No.2-complainant, namely, Om Parkash has made his statement with regard to compromise before learned Magistrate on 25.05.2017. The same is reproduced as under:-

“Statement of Om Parkash S/o Gore Lal R/o H.No.58, Harman Colony, New Kishan Market, Sirhand Road Patiala on SA

I have compromised the matter with accused person in FIR No.293 dated 28.12.2016 u/s 420/564/467/471/120-B of IPC City Rajpura. I have compromised with my own free will and without any outside pressure and I have no objection if the above said FIR be quashed.

*RO& AC
Sd/-
(Om Parkash)*

*Sd/-
(Suman Agnihotri)
SDJM / 25.05.2017”*

Learned State counsel as well 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 FIR.

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 FIR No.293 dated 28.12.2016

registered under Sections 420, 465, 467, 471 and 120-B of IPC at Police Station Rajpura City, 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)

August 04, 2017
vanita

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No