

246.

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

CRM-M-19671-2017

Date of decision:27.09.2017.

GURPREET SINGH & ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

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

Mr. B.S. Aulakh, Advocate, for
Mr. Anterpreet Singh, Advocate,
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.47 dated 20.06.2013 under Sections 420, 465, 467, 468, 471, 406, 120-B IPC, registered at Police Station Dhanaula, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.05.2017 (Annexure P-2).

This Court vide order dated 25.07.2017 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, Barnala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.09.2017 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Sukhwinder Singh has made his statement with regard to compromise before learned Magistrate on 04.09.2017. The same is reproduced as under:-

“Stated that I had got registered the above said case FIR No.47 dated 20.06.2013 U/s 420/ 465/ 467 /468/ 471/ 406/120-B IPC, Police Station Dhanaula against Gurpreet Singh son of Jai Singh Caste Jat resident of Baba Deep Singh Nagar, Ward no.1, Dhuri road, Sangrur, Amardeep Singh @ Amri son of Balvir Singh caste Jat resident of Kothe Chauhan Ke, Patiala road, Sangrur and Sikander Singh son of Rulda Singh Caste Jat resident of Burh Majra, Morinda District Ropar and Amandeep Singh @ Amna son of Sukhwinder Singh Caste Jat resident of Harigarh, Tehsil and District Barnala. Upon the intervention of respectable mediators, a compromise has been arrived at between me and Gurpreet Singh son of Jai Singh Caste Jat resident of Baba Deep Singh Nagar, Ward no.1, Dhuri road, Sangrur, Amardeep Singh @ Amri son of Balvir Singh caste Jat resident of Kothe Chauhan Ke, Patiala road, Sangrur, in the interest of progressive business activities of we both the parties and to lead peaceful life in future with love and affection with each other. The true copy of compromise deed is Ex.CX. The original has already been submitted in the Hon'ble Punjab and Haryana High Court, which bears my signatures and is correct. The compromise is genuine and voluntarily and without any coercion or undue influence. I admit the factum of compromise as true and correct. I have no objection if the present FIR be quashed against only two persons namely Gurpreet Singh and Amardeep Singh abovesaid. I am giving statement today in the court voluntarily and without any coercion or influence.”

Learned State counsel as well as 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 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.47 dated 20.06.2013 under Sections 420, 465, 467, 468, 471, 406, 120-B IPC, registered at Police Station Dhanaula, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 20.05.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

27.09.2017
sanjeev

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