

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-20542 of 2017

Date of Decision: 08.9.2017

Sarabjit Singh alias Sunny and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. L.S.Mann, Advocate
for the petitioners.

Mr. A.S.Dhaliwal, DAG, Punjab.

None for respondent No. 2.

HARI PAL VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 143 dated 19.7.2009 under Section 341, 324, 323, 148, 149 IPC, registered at Police Station Nakodar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 22.5.2017 (Annexure P-2).

This Court vide order dated 01.6.2017 had directed the parties to appear before the Illaqa Magistrate/Duty Magistrate to get their statements recorded and the trial Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 13.6.2017 to the effect that the compromise arrived

at between the parties is genuine one having been arrived at by the parties with free will, without any pressure or coercion.

Though no one has put in appearance on behalf of respondent No. 2-complainant, namely, Davinder Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 13.06.2017. The same is reproduced as under:-

“Stated that one FIR No. 143 dated 19.7.2009, PS: Nakodar, under Sections 341, 323, 324, 148 and 149 of IPC was registered against Sarabjit Singh @ Sunny and Maninder Singh @ Mani, both sons of Amrik Singh R/o Village Bhodipur, Tehsil Nakodar, Distt. Jalandhar. Now complainant has entered into compromise with the accused without any duress, coercion or any other pressure, to maintain the peace and harmony in the locality. This compromise has been arrived at with the intervention of respectables. Complainant has no objection, if the said FIR is quashed. There is no other case pending between the complainant and accused.”

Learned State counsel does not dispute 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. 143 dated 19.7.2009 under Section 341, 324, 323, 148, 149 IPC, registered at Police Station

proceedings arising therefrom are quashed qua the petitioners on the basis of compromise.

(HARI PAL VERMA)
JUDGE

September 08, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No