

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-20650 of 2017

Date of Decision: 31.8.2017

Jarnail Singh and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Munish Raj, Advocate
for the petitioners.

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

Mr. K.B.S.Mann, Advocate
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. 145 dated 22.10.2016 under Section 420, 406, 120-B IPC, registered at Police Station Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise.

This Court vide order dated 2.6.2017 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded and the trial Court/Illaq 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, Kharar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 19.8.2017 to the effect that the compromise is genuine and has been effected between the parties without any threat, coercion or undue influence.

Respondent No. 2-complainant, namely, Avtar Singh has made his statement with regard to compromise before learned Magistrate on 9.06.2017. The same is reproduced as under:-

“Stated that FIR in the present case No. 145 dt. 22.10.2016 u/s 420, 406, 120-B IPC, PS Kharar was lodged by me as a complainant against the total 5 accused namely Jarnail Singh s/o Jang Singh, Mahinder Singh s/o Jang Singh, Hans Raj s/o Hari Dass, Sukhdev Singh s/o Mahinder Singh and Balwinder Singh s/o Mahinder Singh all r/o Distt. Sangrur. That the FIR was lodged due to some misunderstanding and now the matter has been compromised with the abovesaid accused. Out of these 5 accused all accused are present except one accused namely Sukhdev Singh. I do not want to pursue this case anymore. The matter has been compromised without any duress and pressure. I do not have any objection if the FIR and consequential proceedings are quashed.”

Learned State counsel as well as learned counsel for 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. 145 dated 22.10.2016 under Section 420, 406, 120-B IPC, registered at Police Station Kharar,

District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise.

(HARI PAL VERMA)
JUDGE

August 31, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No