

236.

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

CRM-M-22735-2016

Date of decision:13.09.2017.

GURBINDERJIT SINGH @ JUDGE & ANR

... Petitioners

Versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.K. Arya, Advocate,
for the petitioners.

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

Mr. Hoshiar 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.27 dated 09.04.2016 under Sections 452, 379, 427, 506, 148, 149 IPC, registered at Police Station Ghuman, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.06.2016 (Annexure P-2).

This Court vide order dated 14.07.2017 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 orders, parties have appeared before learned Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.09.2017 to the effect that the compromise effected between the parties is genuine, voluntarily, without any pressure, threat, coercion or undue influence from any quarter.

Respondent No.2-complainant, namely, Baldeep Singh has made his statement with regard to compromise before learned Magistrate on 11.08.2017. The same is reproduced as under:-

“Stated that I got registered above-said FIR No.27 of 09.04.2016 Under Section 452, 379, 427, 506, 148, 149 of IPC, Police Station Ghuman, Batala against accused persons namely Gurbinderjit Singh alias Judge, and Jagroop Singh sons of Jaspal Singh, residents of Village Dakoha, Tehsil Batla, District Gurdaspur. Now with the intervention of respectables, compromise has been effected with the above said accused persons. The accused have filed quashing petition CRM-M-No.22735 of 2016 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing FIR No.27 of 09.04.2016 Under Section 452, 379, 427, 506, 148, 149 of IPC, Police Station Ghuman, Batala. The said compromise is genuine and voluntarily effected with my free consent and without any kind of pressure, force, threat, coercion or undue influence from any quarter. Now I have no grudge against accused persons and I have no objection if the present FIR be quashed against the above said accused persons. The present FIR was registered against two accused persons Gurbinderjit Singh and Jagrup Singh by name and besides them there were five un-known persons involved in the incident. The said un-known persons have not been traced out so far. I have compromised the matter with Gurbinderjit Singh and Jagrup Singh. Both the accused are present in the Court and I identify them. None of the accused has been declared as Proclaimed Offender/person, nor any other case is pending against them. I have produced copy of my identity proof as Ex.-C-1.”

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.27 dated 09.04.2016 under Sections 452, 379, 427, 506, 148, 149 IPC, registered at Police Station Ghuman, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 15.06.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.09.2017
sanjeev

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