

236.

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

CRM-M-22650-2015

Date of decision:04.08.2017

PARVEEN ALIAS BIMA AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ravi Malhotra, Advocate,
for Ms. Sunita Punia, Advocate,
for the petitioners.

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

None 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.52 dated 10.06.2012 under Sections 457/380/427/448/511 IPC, registered at Police Station Ghanaur, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.06.2015 (Annexure P-2).

This Court vide order dated 07.02.2017 had directed the parties to appear before the 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 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 09.06.2017 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Gurpreet Gir but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 03.06.2017. The same is reproduced as under:-

“Stated that I got registered case bearing FIR No.52 dated 10.06.2012, under section 457, 380, 427, 448, 411, 511 of IPC, Police Station Ghanaur against accused Kaka Ram son of Munshi Ram, Parveen Kumar @ Bhima son of Kaka Ram, Balwant Singh @ Buntty son of Kaka Ram, Buta Singh @ Vicky son of Karnail Singh, Karnail Singh son of late Munshi Ram, Rajvir Singh son of Kaka Ram and except these accused, there is no other accused named in FIR No.52 dated 10.06.2012. Out of the above named accused persons, accused Buta Singh @ Vicky and Karnail Singh son of late Munshi Ram are proclaimed offenders. Now the matter has been compromised on intervention of respectables and a written compromise dated 02.06.2015 has been executed, which is without any pressure, coercion or inducement from anybody which has already been attached with quashing petition before the Hon'ble High Court. There is no other case pending between us in any Court. I have no objection if present FIR is quashed.”

Learned State counsel, on instructions from ASI Mandeep Singh, has 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.52 dated 10.06.2012 under Sections 457/380/427/448/511 IPC, registered at Police Station Ghanaur, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 02.06.2015 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.08.2017
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No