

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

CRM-M-24244 of 2017.
Decided on:-06.10.2017.

Parshotam Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Rishu Mahajan, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.40 dated 15.05.2016 under Sections 420, 406, 506 and 120-B IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Kathu Nangal, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.06.2017 (Annexure P-2).

This Court vide order dated 02.08.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, petitioners-accused, namely, Parshotam Singh, Mohan Lal @ Love Kumar, Satnam Singh and Ashwani Kumar @ Chaudhary as well as respondent No.2-complainant Ramesh Chander have appeared before learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded on 25.08.2017. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 08.09.2017 to the effect that the compromise has been effected between the parties is genuine and is not the result of any pressure or coercion.

On the other hand, learned State counsel does not dispute the factum of compromise effected between the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Ramesh Chander. His statement made before learned Magistrate on 25.08.2017 in support of the compromise, reads as under:

“I have got registered an FIR No.40 dated 15.05.2016 under Sections 420, 506, 406, 120-B IPC, 25/27/54/59 Arms Act, relating to Police Station Kathu Nangal, against Parshotam Singh, Satnam Singh, Love Kumar and Ashwani Sharma. Now the matter has been compromised with the intervention of respectable. I have given the statement without any pressure and undue influence. The compromise is genuine, voluntarily and without coercion and undue influence. No accused person P.O. in this case. The case has been registered against the abovesaid four persons only. I have no objection if the FIR registered against the abovesaid accused persons be quashed.”

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse to the process of law.

Thus, 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*, the present petition is allowed and the FIR No.40 dated 15.05.2016 under Sections 420, 406, 506 and 120-B IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Kathu Nangal, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.06.2017 (Annexure P-2).

October 06, 2017

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No