

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

253

CRM-M-24974 of 2017

Date of Decision:15.11.2017

Amolak Preet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Sachin Bhardwaj, Advocate for
Mr. Prabhjot Singh, Advocate,
for the petitioner.

Mr.Bhupender Beniwal, A.A.G., 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 FIR No.0061 dated 04.06.2017 under Sections 279, 337, 427 IPC, registered at Police Station City Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.07.2017 (Annexure P-3).

This Court vide order dated 26.09.2017 had directed the parties to appear before the trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

learned Chief Judicial Magistrate, Fazilka and got their statements recorded.

On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.11.2017 to the effect that with the intervention of respectable persons of the society, the parties have compromised the matter. The compromise is voluntary and has been effected between them without any threat or undue influence. They have no objection if the FIR in question is quashed.

Though, today no one is present on behalf of respondent No.2-Complainant, namely, Pippal Singh, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 27.10.2017. The same is reproduced as under:-

“Stated that FIR No.0061 dated 04.06.2017 under Section 279/337/427 IPC, PS City Fazilka was registered on my statement against accused. Now with the intervention of respectables, I have compromised with accused Amolak Preet Singh son of Raj Mohinder Singh, resident of village Rampura, Tehsil and District Fazilka that I have received the total amount of ₹80,000/- as compensation from the accused as per the compromise. We have no grudge with each other. Compromise effected by me is voluntary and without any threat or undue influence. It is further stated that I only suffered injuries during the occurrence and there is no other injured or aggrieved in the present FIR. I have no objection if the above-said FIR against the accused is quashed by the Hon'ble High Court.”

Learned State counsel 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

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 FIR No.No.0061 dated 04.06.2017 under Sections 279, 337, 427 IPC, registered at Police Station City Fazilka, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.07.2017 (Annexure P-3).

November 15, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No