

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

**CRM-M-25831-2017
Decided on: 20.09.2017**

Gurbakhsis Singh

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Daman Jeet Bhoriwal, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Jaswinder Singh, Advocate,
for respondent No.2-complainant.

Hari Pal Verma, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.140 dated 29.08.2015 under Section 420 of IPC, registered at Police Station Civil Lines, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 05.07.2017 (Annexure P-2).

This Court vide order dated 20.07.2017 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 order, parties have appeared before learned Chief Judicial Magistrate, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.08.2017 to the effect that the compromise effected between the parties appears is genuine, voluntary, without any coercion or

undue influence.

Complainant-respondent No.2, Pritpal Singh, has made his statement with regard to compromise before learned Magistrate on 18.08.2017. The same is reproduced as under:-

“Stated that FIR of this case was registered on my complaint against accused/petitioner namely Gurbakhsis Singh s/o of Jaswinder Singh. Now I have effected a compromise with the accused/petitioner. Now I do not want to proceed with present case against the petitioner and I have no objection if FIR No.140 dated 29.8.2015, under Section 420 IPC, P.S. Civil Lines, Bathinda is quashed against petitioner, as the compromise has been effected with the intervention of respectables. Now I have no grudge against the accused/petitioner. Compromise has been effected without any pressure, undue influence or coercion. In the above said FIR, only the accused/petitioner Gurbakhsis Singh has been arrayed as accused and no one else was implicated as accused, nor any accused has been declared proclaimed offender in this case.”

Learned State counsel as well as learned counsel for respondent No.2-complainant 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.140 dated 29.08.2015 under Section 420 of IPC, registered at Police Station Civil Lines, District

Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise/affidavit dated 05.07.2017 (Annexure P-2).

20.09.2017
Dinesh

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No