

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2605-2017

Date of Decision: 08.8.2017

Teja Singh and another ..Petitioners

versus

State of Punjab and another ..Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. M.S.Longia, Advocate, for the petitioners.

Mr. Rana Harjasdeep Singh, Assistant Advocate General,
Punjab for respondent no.1.

Mr. Munish Gupta, Advocate, for respondent no.2.

RAMENDRA JAIN, J.(ORAL)

Through this petition under section 482 of the Code of Criminal Procedure, prayer has been made for quashing FIR No.99 dated 22.08.2011 registered under Sections 323,324,452 and 34 IPC, at Police Station Sadar Khanna, District Ludhiana, and all consequential proceedings arising therefrom on the basis of compromise dated 23.12.2016 (Annexure P-2).

Vide order dated 27.01.2017 passed by a co-ordinate Bench of this court, the parties were directed to appear before the trial court to get their statements recorded with a direction to send a report to this court as to number of persons arrayed as accused in FIR; whether any accused is proclaimed offender and whether the compromise is genuine, voluntary and without any coercion or undue influence.

Pursuant to the aforesaid directions, the parties appeared before

the trial court and got their statements recorded. The report from Judicial Magistrate 1st Class, Khanna, has been received bearing No.499 dated 02.3.2017 duly forwarded by learned District and Sessions Judge, Ludhiana vide covering letter No.1271/EC dated 02.3.2017.

After recording the statements of the parties, the trial Magistrate opined that *“two persons, namely, Teja Singh and Tarlochan Singh have been arrayed as accused in the present case. None of them is proclaimed offender in the present case. Power of attorney holder of complainant and accused stated that they have compromised with each other without any pressure any coercion or undue influence and they have no objection if FIR No.99 dated 22.8.2011 under sections 323,324,452 and 34 IPC, P.S.Sadar Khanna registered against the accused persons is quashed. The compromise was duly written and on the said compromise parties identified their signature on the compromise which is placed on record Ex.C1, copy of power of attorney is Ex.C2.”*

“From the statements of the parties, it appears that compromise has been entered into voluntarily and without any pressure or coercion upon the parties.”

Since complainant-respondent no.2 Jaspinder Singh is residing abroad and his mother Smt. Charanjit Kaur has been appointed as Special Power of attorney, to act on his behalf, therefore, she is competent to make the statement before the trial Magistrate on behalf of his son. Accordingly, she entered into compromise with the accused with her own will, without any pressure or coercion on behalf of her son Jaspinder Singh Aujla. She has no objection if the FIR is quashed.

Considering the statement of Charanjit Kaur, Special Power of

Attorney, made on behalf of her son Jaspinder Singh @ Jaspinder Singh Aujla-complainant before the trial Magistrate without any pressure or coercion or undue influence and also the fact that she has no objection if FIR No.99 dated 22.8.2011 registered under sections 323,324,452 and 34 IPC at P.S.Sadar Khanna registered against the accused persons, is quashed, therefore, the continuation of the proceedings against the petitioners in the instant case would result in futility.

Accordingly, the petition is allowed and the aforesaid FIR No.99 dated 22.8.2011 qua the petitioners only, is quashed along with all consequential proceedings arising therefrom on the basis of compromise dated 23.12.2016 (Annexure P-2).

08.08.2017
jitender sharma/VK

(RAMENDRA JAIN)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether Reportable | Yes/No |