

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-28958 of 2016 (O&M)
Date of Decision: 08.9.2017

Minakshi Baba and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Prateek Sodhi, Advocate
for the petitioners.

Mr. A.S.Dhaliwal, DAG, Punjab.

Mr. Umesh Aggarwal, Advocate
for respondent No. 2.

HARI PAL VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of F.I.R. No. 275 dated 5.11.2015 under Section 323, 324, 506, 34 IPC and Section 295, 326, 365 IPC (added later on), registered at Police Station Sultanwind, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

This Court vide order dated 22.2.2017 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the Illaqa Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before

learned Judicial Magistrate Ist Class, Amritsar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.3.2017 to the effect that the compromise arrived at between the parties is genuine, voluntary and out free will of the parties.

Respondent No. 2-complainant, namely, Bitta Singh @ Nisha Baba has made statement with regard to compromise before learned Magistrate on 15.03.2017. The same is reproduced as under:-:-

“Stated that I (complainant) got registered an FIR No. 275 dated 05.11.2015 P.S. Sultanwind, Amritsar, under Section 323, 324, 506 and 34 and Section 295, 326, 365 of IPC against accused i.e. Minakshi Baba, Seema Baba, Jinder Singh @ Bittu, Baba Nagar, Dilbagh Singh and Sunny. Now I have compromised the matter with the above said accused amicably. The copy of the said compromise/affidavit is already filed before the Hon'ble High Court. The said compromise was effected without any coercion, pressure and undue influence and with my free will and I have no objection if the above said FIR registered against the above said accused be quashed. There is no other accused except the petitioner further no accused in this case has been absconding or declared P.O.”

Learned State counsel as well as learned counsel appearing on behalf of respondent No. 2 have not disputed the factum of compromise between the parties.

Though, as per the report, petitioner No. 4-Baba Nagar has not appeared before the trial Court but since the complainant has made the statement with respect to the compromise qua petitioner No. 4 as well, the statement of petitioner No. 4 is not necessary.

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. 275 dated 5.11.2015 under Section 323, 324, 506, 34 IPC and Section 295, 326, 365 IPC (added later on), registered at Police Station Sultanwind, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise.

(HARI PAL VERMA)
JUDGE

September 08, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No