

In the High Court of Punjab and Haryana at Chandigarh

Criminal Misc. No. M-29040 of 2016 (O&M)
Date of Decision: 08.9.2017

Bitta Singh alias Nisha Baba and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Umesh Aggarwal, Advocate
for the petitioners.

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

Mr. Prateek Sodhi, 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 cross-version recorded in F.I.R. No. 275 dated 5.11.2015 under Section 324, 506, 34 IPC, registered at Police Station Sultanwind, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

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, Minakshi Baba @ Lucy 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 324/506 and 34 of IPC against accused i.e. Bitta Singh @ Nisha Baba, Massa Singh and Sukhchain Singh @ Angrej Singh. 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.

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 cross-version recorded in F.I.R.

No. 275 dated 5.11.2015 under Section 324, 506, 34 IPC, 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