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

CRM-M-28698-2017

Date of decision:10.10.2017.

MULKHA MASIH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manvinder Singh Bal, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, 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 F.I.R. No.53 dated 30.06.2013 under Sections 452, 326, 323, 148, 149 IPC, registered at Police Station Sadar Batala, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.06.2017 (Annexure P-2).

This Court vide order dated 08.08.2017 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 Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.10.2017 to the effect that the compromise effected between the parties is genuine, voluntary without any threat, undue influence or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Abhi Malak Masih @ Ali Malak @ Sonu, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 01.09.2017. The same is reproduced as under:-

“Stated that I got registered above-said FIR No.53 of 30.06.2013 Under Section 452, 326, 323, 148, 149 of IPC Police Station: Sadar, Batala, against accused persons namely Mulkha Masih, Barnand Masih, Sulheman Masih, Veena alias Venus, Thomas Masih and Tunna Masih, all residents of Village Suniya. Now with the intervention of respectables, compromise has been effected with the above said accused persons. The accused have filed quashing petition CRM-M No.28698 of 2017 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing FIR No.53 of 30.06.2013 Under Section 452, 326, 323, 148, 149 of IPC Police Station: Sadar, Batala. The said compromise is genuine and voluntarily effected with my free consent and without any kind of pressure, force, threat, coercion or undue influence from any quarter. Now I have no grudge against accused persons and I have no objection if the present FIR be quashed against the above said accused persons. The present FIR was registered against six accused persons mentioned above and no accused is proclaimed offender in this case. All the accused are present in the Court and I identify all the accused persons. I have produced copy of my identity proof as Ex.C-1. The accused Tunna Masih is also known as Jacob Masih and his name in all the documents is infact Jacob Masih but I have got mentioned his other name Tunna Masih in the FIR.”

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 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.53 dated 30.06.2013 under Sections 452, 326, 323, 148, 149 IPC, registered at Police Station Sadar Batala, Police District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 02.06.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

10.10.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No