

264.

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

CRM-M-29367-2017

Date of decision:24.10.2017.

CHHINDER SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Davinder Kumar, Advocate, for
Mr. P.K.S. Phoolka, Advocate,
for the petitioners.

Mr. M.S. Nagra, 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.89 dated 13.06.2015 under Sections 420/ 467/ 468/120-B IPC, registered at Police Station Civil Lines, Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 26.07.2017 (Annexure P-2).

This Court vide order dated 11.08.2017 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 Chief Judicial Magistrate, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 22.09.2017 to the effect that the compromise effected between the parties appears to be genuine, voluntary, out of their free will and the same is not the result of any pressure, undue influence or coercion in any manner.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jit Ram @ Nanak Chand, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 22.09.2017. The same is reproduced as under:-

“I have brought my original voter card & Adhar Card to prove my identity and placed on record self attested copies of the same on file. I am complainant of case FIR No.89 dated 13.6.2015, registered against the accused persons namely Chhinder Singh & Joginder Singh sons of Jora Singh, both residents of village Jeeda, Tehsil & District Bathinda, under Sections 420, 467, 468, 120-B IPC, Police Station Civil Lines, Bathinda. With the intervention of panchayat members of our village and other respectable persons, I have arrived at compromise with the accused persons namely Chhinder Singh & Joginder Singh, without any pressure or coercion. The compromise is genuine and voluntarily and the same is in the interest of the parties. As per compromise, I have already received the settled amount from the accused persons. Regarding the compromise, the accused persons have filed a petition before Hon'ble High Court, CRM-M-29367 of 2017, for quashing the aforesaid FIR registered against them. The original compromise has already been submitted before the Hon'ble High Court. Today I have brought the compromise dated 26.7.2017 and the same is Mark-X. I identify my signature on this compromise deed. Now I have no grudge against the accused/petitioners. I do not want to proceed with present case against the accused persons and I have no objection if

FIR No.89 dated 13.6.2015, under sections 420, 467, 468, 120-B IPC, Police Station Civil Lines, Bathinda is quashed against the petitioners. It is further submitted that except the present petitioners, no other person was nominated as accused in this case. ”

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.89 dated 13.06.2015 under Sections 420/467/468/120-B IPC, registered at Police Station Civil Lines, Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 26.07.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

24.10.2017
sanjeev

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