

268.

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

CRM-M-29477-2017

Date of decision:24.10.2017.

SURESH KUMAR @ SAKVI AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB & OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Harmanpreet Kaur Simmi, Advocate,
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab,
for respondent No.1.

Ms. Minakshi Poswal, Advocate,
for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0096 dated 19.07.2017 under Sections 452, 324, 323, 427, 447, 148, 149 IPC, registered at Police Station City Jalalabad, District Fazilka (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 Sub Divisional Judicial Magistrate, Jalalabad and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.10.2017 to the effect that the compromise is genuine, voluntary, without coercion or undue influence and an outcome of free will and consent of the parties.

Respondent No.2-complainant, namely, Manjit Kaur has made her statement with regard to compromise before learned Magistrate on 20.09.2017. The same is reproduced as under:-

“An FIR no.96 dated 19.07.2017 u/s 452/ 324/ 323/ 427/ 447/148/149 IPC, PS City Jalalabad (W), District Fazilka has been lodged on my complaint against nine accused namely Suresh Kumar @ Sakvi s/o Kanta Parshad, Urmila Rani w/o Kanta Parshad, Raj Kumar s/o Kanta Parshad, Surjit Singh s/o Kashmir Singh, Shami s/o Surjit Singh, Buta Singh s/o Sona Singh all r/o village Basti Storan Wali Dakhli, Mohkam Araian, Tehsil Jalalabad (W), District Fazilka and Kashmir Chand s/o Khushal Chand, Joga Singh s/o Kashmir Chand and Ramesh Singh s/o Balwant Singh r/o Village Kamre Wala, Tehsil Jalalabad (W), District Fazilka. None of the accused has been declared proclaimed offender in the present FIR. I have entered into compromise with the intervention of respectables from the society so that the harmony in the society will prevail. I have entered into the compromise without any fear or pressure from anyone with our own free will and volition. I have no objection if the abovesaid FIR against the accused persons be quashed.”

Apart from above, a similar statement has been made by respondent No.3-Gurdeep Singh, who is injured in the case, whereby he has shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondents No.2 and 3 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 F.I.R. No.0096 dated 19.07.2017 under Sections 452, 324, 323, 427, 447, 148, 149 IPC, registered at Police Station City Jalalabad, District Fazilka (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