

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32268-2017

Date of decision: November 08, 2017

Harpreet Singh @ Peta and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ankur Jain, Advocate for
Mr. Charanjit Singh Bakhshi, 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.313 dated 22.11.2014 under Sections 452, 341, 506, 34, 323 IPC, registered at Police Station Patti, District Tarn Taran (Annexure P-3) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.12.2015 (Annexure P-1).

This Court vide order dated 01.09.2017 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, Patti and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated

17.10.2017 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion and undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Rajwant Kaur wife of Kharak Singh, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 03.10.2017. The same is reproduced as under:-

“Stated that FIR No.313/14 dated 22.11.2014, under Sections 452, 341, 506, 34, 323 of IPC P.S. Patti, District Tarn Taran which was recorded on the basis of my statement registered against the petitioners in the above said CRM-M No.32268 of 2017. Petitioners have filed a petition under Section 482 Cr.P.C. for quashing of above said FIR against them on the basis of compromise between the parties. I and the petitioners have compromised the matters through the intervention of respectables, by using our respective free will and consent and without using any undue influence and coercion in this regard. I have produced duly attested affidavit dated 30.09.2015 before the Hon'ble High Court which bears my signature which is exhibited as Ex.R/1. This compromise will bring peace, harmony and amity between the parties. I have no objection if the FIR is quashed against petitioners/accused. I do not want to take any action against the petitioners/accused and my grievances stand redressed. Copy of my Adhar card is Ex.R2 which bears my signature. ”

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.313 dated 22.11.2014 under Sections 452, 341, 506, 34, 323 IPC, registered at Police Station Patti, District Tarn Taran (Annexure P-3) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.12.2015 (Annexure P-1).

(HARI PAL VERMA)
JUDGE

November 08, 2017
m. sharma

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