

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32415-2017

Date of decision: November 08, 2017

Sanjiv Kumar

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

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.57 dated 13.07.2017 under Section 420 IPC, registered at Police Station Qila Lal Singh (Annexure P-1) at the statement of complainant/respondent No.2 namely, Sarabjit Singh son of Kulwant Singh and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 14.08.2017 (Annexure P-2).

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 Judicial Magistrate Ist Class, Batala and got their statements recorded. On the

26.10.2017 to the effect that the compromise effected between the parties is genuine, which is not the result of any pressure or coercion.

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

“Stated that the present FIR bearing No.57 dated 13.07.2017 under Section 420 IPC, was registered at Police Station Qila Lal Singh, Batala against the accused person namely Sanjiv Kumar on my statement. Now I have compromised the matter with accused person with the intervention of the respectables vide compromise deed, which is attached with the main petition filed before the Hon'ble High Court and copy of which is Ex.C1. I have no objection if FIR bearing No.57 dated 13.07.2017 under Section 420 IPC registered at Police Station Qila Lal Singh, Batala, be quashed qua the above said person. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C2. Further, the compromise effected between me and accused person is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.”

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.57 dated 13.07.2017 under Section 420 IPC, registered at

arising therefrom are quashed qua the petitioner on the basis of compromise dated 14.08.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

November 08, 2017
m. sharma

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