

244.

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

CRM-M-35440-2017

Date of decision:30.11.2017.

GAGANDEEP SINGH @ GAGGI AND ANR.

... Petitioners

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Naveen Batra, 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.134 dated 25.10.2015 under Sections 392, 394 IPC, registered at Police Station Nurpur Bedi, Tehsil Anandpur Sahib, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.09.2017 (Annexure P-2).

This Court vide order dated 21.09.2017 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, Sri Anandpur Sahib and got their statements recorded. On the basis of the statements so recorded, learned

parties have entered into compromise voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Ashwani Kumar, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 27.10.2017. The same is reproduced as under:-

“Stated that I have reached compromise with accused Gagandeep @ Gaggi S/o Prem Chand R/o Village Batarla PS Nurpur Bedi Teh Anandpur Sahib District Rupnagar, Accused Harwinder @ Kulwinder Singh @ Kakku S/o Sh. Narinder Kumar R/o Tibba Nangal PS Nurpur Bedi, Teh. Nangal, District Rupnagar. The compromise is effected between us without any fear, threat or pressure. I am deposing in the Court today with my own free will without any fear, threat or pressure. On the basis of compromise dated 16.09.2017 which is mark X on court file, accused Gagandeep @ Gaggi and Harwinder Pal Singh filed a petition under Section 482 of the Code of Criminal Procedure before the Hon'ble Punjab and Haryana High Court for quashing FIR No.134 dated 25.10.2015 under Section 392, 394 of the Indian Penal Code Police Station Nurpur Bedi, Teh Anandpur Sahib, District Rupnagar. The matter between us has been finalized by respectable persons and I do not want to pursue the case against the accused due to compromise. I have no objection if the case FIR No.134 dated 25.10.2015 against the accused be quashed.”

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.134 dated 25.10.2015 under Sections 392, 394 IPC, registered at Police Station Nurpur Bedi, Tehsil Anandpur Sahib, District Rupnagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.09.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.11.2017

sanjeev/mamta

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