

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-36491 of 2017

Date of Decision:20.12.2017

Gurjit Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Naresh Kaushik, Advocate,
for the petitioners.

Mr. M.S.Nagra, A.A.G., Punjab,
for respondent No.1.

Mr. Naveen S. Bhardwaj, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.63 dated 01.07.2017 under Sections 379, 427, 201, 506, 34 IPC, registered at Police Station Nurmehal, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.08.2017 and 07.09.2017 (Annexures P-3 & P-4), respectively.

This Court vide order dated 28.09.2017 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 1st Class, Phillaur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.11.2017 to the effect that the compromise has been effected between the parties voluntarily and without any pressure or coercion and the same is a genuine one.

Respondent No.2-Complainant, namely, Gurdial Singh, has made a statement with regard to compromise before learned Magistrate on 03.11.2017. The same is reproduced as under:-

“I have compromised with the accused Gurjeet Singh S/o Pavittar Singh no.2 Sukhjit Singh @ Sukhi S/o Pavittar Singh no. Balwinder Kaur @ Binder, W/o Pavittar Singh no. Ajay Kumar @ Gori S/o Hans Raj all resident of VPO Chuheki Tehsil Phillaur, District Jalandhar without any pressure or coercion. As per the compromise, accused party and myself filed a quashing proceeding in the Hon'ble Punjab and Haryana High Court, Chandigarh. That now today as per the order of the Punjab and Haryana High Court, Chandigarh, I have appeared before this Hon'ble Court and got recorded my statement at my own free will that my compromise has been already done with the accused party that I have got no objection if the above noted FIR has been quashed and all the accused are acquitted/discharged in the above noted FIR/case. ”

Learned State counsel as well as learned counsel for respondent No.2 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

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 FIR No.63 dated 01.07.2017 under Sections 379, 427, 201, 506, 34 IPC, registered at Police Station Nurmehal, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.08.2017 and 07.09.2017 (Annexures P-3 & P-4), respectively.

December 20, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No