

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36912-2017

Date of decision: December 08, 2017

Harinder Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Yesh Pal Malik, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

Mr. Yogesh Saini, Advocate for
Mr. R.S. Bhathal, 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 F.I.R. No.293 dated 09.09.2017 under Sections 406, 420 IPC, registered at Police Station Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.09.2017 (Annexure P-2).

This Court vide order dated 29.09.2017 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, Sangrur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 13.11.2017 to the effect that the compromise effected between the parties is with their free will and consent, without any pressure or coercion.

Respondent No.2-complainant, namely, Harshit Jindal, has made a statement with regard to compromise before learned Magistrate on 13.11.2017.

The same is reproduced as under:-

“I have entered into compromise Ex.CX with the accused person out of my free will without any pressure or coercion. I no longer have any grudge against the accused. I have suffered this statement with my consent out of my free will without any pressure or coercion. I place on record self attested copy of Adhar Card Ex.C1. I have no objection if the FIR number 293 dated 09.09.2017 under Sections 406, 420 IPC, PS City Sangrur be quashed and the accused be acquitted. There is only one accused in this case. No accused is a proclaimed person. ”

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 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.293 dated 09.09.2017 under Sections 406, 420 IPC, registered at Police Station Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 19.09.2017 (Annexure P-2).

December 08, 2017
m. sharma

(HARI PAL VERMA)
JUDGE

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