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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37618-2017

Date of decision: November 30, 2017

Balvir Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab,
for respondent No.1.

Ms. Kamaldeep Kaur, 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.0068 dated 27.07.2017 under Section 436 IPC, registered at Police Station Mulepur, District Fatehgarh Sahib (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.09.2017 (Annexure P-2).

Pursuant to order dated 06.11.2017, complainant- Baljinder Kaur, duly identified by her counsel, is present in Court and states that it is under some mistaken belief she has lodged the complaint and now she does not want to pursue the case against her own husband. The petitioner is in custody for the last about 04 months. It is expected that better sense must have prevailed upon him. She has no objection in case FIR is quashed.

This Court vide order dated 07.10.2017 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 Additional District and Sessions Judge, Fatehgarh Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.10.2017 to the effect that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Baljinder Kaur, has made her statement with regard to compromise before learned Magistrate on 21.10.2017. The same is reproduced as under:-

“Accused Balbir Singh is my husband. In the above said case, compromise has been effected in between me and the accused. That compromise was effected by us voluntarily and without any pressure. We have no objection, if the Hon'ble High Court quashes the FIR against Balbir Singh, on the basis of compromise. I have brought my original Aadhar Card with me today in the Court as my identity. Photocopy of the same is Ex.C1.”

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.0068 dated 27.07.2017 under Section 436 IPC, registered at Police Station Mulepur, District Fatehgarh Sahib (Punjab) (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 25.09.2017 (Annexure P-2).

November 30, 2017
m. sharma

(HARI PAL VERMA)
JUDGE

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