

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-40252 of 2016
Date of Decision: 25.08.2017

Amrik Singh

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. Mukul Aggarwal, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.109 dated 14.7.2016 under Sections 365, 34 IPC registered at Police Station City Kamboj, District Amritsar Rural (Annexure P-1) and consequent proceedings arising therefrom on the basis of compromise (Annexure P-2) and affidavits dated 24.10.2016 of respondents no.2 and 3 (Annexures P-3 and P-4 respectively).

This Court vide order 10.11.2016 had directed the parties to appear before the Chief Judicial Magistrate/Illaq Magistrate to get their statements recorded with regard to compromise and learned Magistrate was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements recorded. Learned Magistrate has forwarded her report dated 23.12.2016 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any threat, undue influence or coercion. Thus, the compromise is genuine and valid. The joint statement of respondent no.2-complainant Ram Murti and respondent no.3 Suraj, which is accompanied with the report, reads as under:-

“Statement of Ram Murti son of Niranjan Dass and Suraj son of Bansi Lal, both residents of Village Kamboj, H.No.123, Joshan Colony, P.O. Heir, Tehsil and District Amritsar, Complainant.

Stated that an FIR no.109 dated 14-07-2016 u/s 365/34 IPC, PS Kamboj was registered against accused Amrik Singh on my statement. That now, with the intervention of the respectables, compromise has been effected between us and the accused Amrik Singh. Now, we are living peacefully and do not have any grudge against each other. As such, we do not have any objections, if the present FIR registered against accused be quashed. No criminal proceedings is pending against us. We are giving this statement with our own free will and without any undue influence, pressure and coercion.

<i>RO & AC</i>	<i>Sd/-</i>
<i>Sd/- (Ram Murti)</i>	<i>(Sumukhi)</i>
<i>LTE (Suraj)</i>	<i>Judicial Magistrate Ist Class,</i>
<i>Sd/- (Jugraj Singh), Adv.”</i>	<i>Amritsar/08.12.2016</i>

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.109 dated 14.7.2016 under Sections 365, 34 IPC registered at Police Station City Kamboj, District Amritsar Rural (Annexure P-1) is quashed *qua* the petitioner, in view of compromise (Annexure P-2) and affidavits dated 24.10.2016 of respondents no.2 and 3 (Annexures P-3 and P-4 respectively).

August 25, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No