

242.

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

CRM-M-40052-2015

Date of decision:26.07.2017

JARNAIL KAUR & ANR

... Petitioners

versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gaurav Sharma, Advocate,
for the petitioners.

Ms. Simranjeet Kaur, 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.6 dated 28.01.2015 under Sections 420, 406, 120-B IPC, registered at Police Station Bhadaur, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.05.2015 (Annexure P-2).

This Court vide order dated 17.03.2016 had directed the parties to appear before the 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 Civil Judge (Junior Division)-cum-JMIC, Barnala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.04.2016 to the effect that the compromise effected between the parties is genuine and they have compromised the matter voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Laldeep Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 02.04.2016. The same is reproduced as under:-

“I am complainant in this case FIR no.06 dated 28.01.2015 u/s 420/406/506/120-B IPC which was got registered by me at Police Station Bhadaur. Now compromise has been effected between me and accused persons by respectable persons. Now both the parties wants to reside in peaceful manner. I have no objection if the present FIR is quashed. The written compromise was effected between us which has been already placed before the Hon'ble High Court and the true photocopy of the said compromise is Ex.P1 which bears my signatures on the court file and is a genuine document. I identify my signatures on photo-state copy of compromise. There is no dispute regarding the correctness of the compromise. The compromise has been effected without any pressure with my free will. According to the above said compromise the above said accused persons had transferred land measuring 10 Kanals and 14 marlas in my favor vide two sale deeds no.196 and 197 dated 05.06.2015. Photocopies of Sale deeds are Ex.P2 and Ex.P.3 respectively. I have no objection if the above said FIR 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.6 dated 28.01.2015 under Sections 420, 406, 120-B IPC, registered at Police Station Bhadaur, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 30.05.2015 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

26.07.2017
sanjeev

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