

243.

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

CRM-M-5986-2017

Date of decision:02.08.2017

KULDEEP KUMAR & ORS

... Petitioners

versus

STATE OF PUNJAB & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Naresh Kumar Manchanda, Advocate,
for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab,
for respondent No.1.

None for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.189 dated 02.12.2016 under Sections 379A, 379B, 506, 149, 120-B IPC, registered at Police Station Baghapurana, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.02.2017 (Annexure P-2).

This Court vide order dated 23.02.2017 had directed the parties to appear before the Illaqa Magistrate 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 Sub Divisional Judicial Magistrate, Baghapurana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 25.04.2017 to the effect that the compromise effected between the parties is genuine, voluntary, without any coercion or undue influence and without any pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Satish Kumar and respondent No.3-Kavita Rani, but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 06.03.2017. The same is reproduced as under:-

“Stated that on the statement of Satish Kumar FIR No.189 dated 02.12.2016 U/s. 506, 379A, 379B, 149 & 120B of IPC, P.S. Baghapurana titled as State V/s. Kuldeep Kumar & Ors. has been registered against the accused Kuldeep Kumar s/o Darshan Kumar, Reena Rani w/o Kuldeep Kumar, Darshan Kumar s/o Daulat Ram, Aneeta Rani w/o Jatinder Pal, Jatinder Pal s/o Inderjeet, Sharanjeet w/o Darshan Kumar all residents of Baghapurana, Distt. Moga. Now with the intervention of respectables, villagers, common friends we have effected a compromise with all accused and on basis of said compromise accused Kuldeep Kumar s/o Darshan Kumar executed the sale deed vide sale deed no.PB03310221803535P dated 27.01.2017 in favour of Kavita Rani w/o Satish Kumar (complainant). On the basis of the above said compromise and after the execution of the sale deed all the accused persons filed quashing petition before Hon'ble Punjab & Haryana High Chandigarh and the said compromise is without coercion, undue influence, pressure, without any threat and the said compromise effected with our free consent and will and for the welfare of the parties. We have no objection if the Hon'ble Court quash the FIR No.189

dated 02.12.2016 U/s. 506, 379A, 379B, 149 & 120B of IPC, P.S. Baghapurana registered and consequential proceedings against accused at our statement. We made this statement without coercion, undue influence, pressure or threat. We tender our Adhar Card Mark A and Voter Card Mark B and copy of compromise Mark C.”

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.189 dated 02.12.2016 under Sections 379A, 379B, 506, 149, 120-B IPC, registered at Police Station Baghapurana, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 08.02.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.08.2017
sanjeev

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