

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

CRM-M-13065-2018
Date of decision:17.09.2018

Partap Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

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

Mr. A.S. Sandhu, Addl. A.G., Punjab
for respondent No.1.

Mr. Sandeep Sharma, Advocate
for respondents No.2 to 5.

GURVINDER SINGH GILL, J. (ORAL)

The petitioners seek quashing of FIR No.18 dated 09.04.2013 under Sections 452, 427, 379, 411, 506, 148, 149 of Indian Penal Code, 1860, Police Station Khem Karan, District Tarn Taran and proceedings emanating therefrom on the basis of a compromise having been effected between the parties. While six accused have been nominated in the FIR but one of the accused namely Sukhchain is stated to have expired.

Vide order dated 28.03.2018 the parties had been directed to appear before the trial Court/Illaq Magistrate so as to get the statements recorded with regard to the genuineness of the compromise.

Report of learned Sub-Divisional Judicial Magistrate, Patti has been received wherein it has been reported that statements of five

petitioners/accused and also LR's of the complainant-Gurdial Singh @ Dayal Singh (since expired) have been recorded. Sukhchain Kaur widow of Gurdial Singh @ Dayal Singh complainant and her three sons namely Angrej Singh, Sukhdev Singh and Gurdev Singh have stated that Gurdial Singh @ Dayal Singh has since expired and that they are his legal heirs and they have effected compromise with the accused and have no objection if the FIR in question is quashed on the basis of compromise. The petitioners have also stated to a similar effect regarding a compromise having been effected amongst them. Learned Sub-Divisional Judicial Magistrate, Patti has specifically opined that the compromise is genuine and has been effected voluntarily without there being any undue influence or coercion.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007(3) RCR (Crl.) 1052 Kulwinder Singh and others Vs. State of Punjab, the petition is allowed and FIR No.18 dated 09.04.2013 under Sections 452, 427, 379, 411, 506, 148, 149 of Indian Penal Code, 1860, Police Station Khem Karan, District Tarn Taran and all the consequent proceedings arising therefrom are hereby quashed qua the petitioners.

(GURVINDER SINGH GILL)
JUDGE

17.09.2018
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No