

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

**CRM-M-13526-2018
Date of decision:16.07.2018**

Gurbir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

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

Mr. Abhimanyu Vinayak, Advocate
for respondent No.2.

GURVINDER SINGH GILL, J. (ORAL)

Petitioner-Gurbir Singh seeks quashing of FIR No.7 dated 14.01.2018, under Sections 379-B/34 of the Indian Penal Code, 1860, Police Station Division No.1, Jalandhar and proceedings emanating therefrom on the basis of a compromise having been effected between the parties.

Vide order dated 18.04.2018 the parties had been directed to appear before the Illaqa Magistrate so as to get the statements recorded.

Report of learned Judicial Magistrate Ist Class, Jalandhar had been received wherein it has been stated that he has recorded statements of complainant-Sanjay Kumar Yadav and also of the accused/petitioner-Gurbir Singh. The complainant has specifically stated that at his instance

the FIR in question has been lodged and that three persons were injured in the said occurrence and that Gurbir Singh had been named only on the basis of suspicion and that Gurbir Singh is not the person who had committed offence of theft/snatching and that his physical appearance does not resemble the person who was accompanying the main accused namely Nitin Kumar and Sanjay Kumar. He has specifically stated that the proceedings may be quashed qua Gurbir Singh.

It has specifically been reported by learned Judicial Magistrate Ist Class, Jalandhar that pursuant to recording of statements he is satisfied that the compromise is genuine and not a result of any pressure or coercion.

In view of the aforesaid compromise and in the light of ratio of 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.7 dated 14.01.2018, under Sections 379-B/34 of the Indian Penal Code, 1860, Police Station Division No.1, Jalandhar and all the consequent proceedings arising therefrom are hereby quashed qua Gurbir Singh only while the proceedings in respect of the FIR shall continue against the co-accused namely Nitin Kumar and Sanjay Kumar.

(GURVINDER SINGH GILL)
JUDGE

16.07.2018
Gaurav Sorot

Whether reportable? Yes / No

Whether reasoned / speaking? Yes / No