

258.

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

CRM-M-15833-2018

Date of decision:12.07.2018.

HARBHAJAN SINGH AND ANR.

... Petitioners

Versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. Tanvir Joshi, AAG, Punjab,
for respondent No.1.

Mr. Dheeraj Narula, Advocate, for
Mr. Rajesh Bhateja, Advocate,
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.137 dated 06.07.2017 under Sections 420, 120-B IPC, registered at Police Station Goraya, Police District Jalandhar Rural, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.01.2018 (Annexure P-2).

This Court vide order dated 19.04.2018 had directed the parties to appear before the trial Court/Illaq 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 Judicial Magistrate Ist Class, Phillaur and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.05.2018 to the effect that the compromise effected between the parties seems to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Kiran has made her statement with regard to compromise before learned Magistrate on 01.05.2018. The same is reproduced as under:-

“Stated that present FIR No.137, dated 06.07.2017, Under Section 420/120-B IPC, Police Station Goraya, District Jalandhar was registered on her statement against Harbhajan Singh son of Gopal Singh, resident of Village Moron, Tehsil Phillaur, District Jalandhar and Varinder Kumar son of Satpal, resident of village Manguwal, Tehsil and District SBS Nagar, present r/o 1/101, HANDFORD ROAD ILLMERE 4034 QLD (AUSTRALIA). Accused Varinder Kumar is residing in Australia and accused Harbhajan Singh is attorney of Varinder Kumar. With due intervention of respectables and villagers, I have compromised with matter with accused without any pressure or undue influence and my free will. The compromise is genuine, voluntary and without any coercion. Copy of compromise is Mark C-1. Copy of my Adhar Card is Mark A-1. Now, no grudge has remained between me and the accused. I will not take any action against any accused in future regarding above said case. I have no objection if the above said FIR may be quashed.”

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have 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.137 dated 06.07.2017 under Sections 420, 120-B IPC, registered at Police Station Goraya, Police District Jalandhar Rural, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.01.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.07.2018
sanjeev

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