

273.

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

CRM-M-16322-2018

Date of decision:06.08.2018

MANJIT SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Dhawaljeet Dutta, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0045 dated 27.07.2017 registered under Sections 420, 120-B IPC at Police Station Bhaini Mian Khan, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.04.2018 (Annexure P-2).

Though as per office report, notice could not be issued to the respondents as the process fee had not been filed, but as this Court vide order dated 21.04.2018 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded in support of compromise and the learned Magistrate was directed to send its report qua the genuineness of the compromise, a report dated 02.06.2018 has already been received from the learned Judicial Magistrate Ist Class, Gurdaspur. Therefore, there is no necessity to serve the respondents.

As per report dated 02.06.2018 received from learned Judicial Magistrate Ist Class, Gurdaspur, parties have compromised the matter voluntarily, with their free consent and without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Tarsem Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 18.05.2018. The same is reproduced as under:-

“Stated that FIR No.45 dated 27.07.2017 under Section 420, 120-B of IPC, PS Bhaini Mian Khan has been registered on my statement against Manjit Singh S/o Surinder Singh R/o Village Kiri Afgana, Teh. & District Gurdaspur, Gurmeet Kaur W/o Darshan Singh R/o Katra Chuhan District Ludhiana, Paramjit Kaur W/o Narinder Pal Singh R/o Bharal Town District Sangrur. I have compromised the matter with all the accused Manjit Singh S/o Surinder Singh R/o Village Kiri Afgana, Teh. & District Gurdaspur, Gurmeet Kaur W/o Darshan Singh R/o Katra Chuhan District Ludhiana, Paramjit Kaur W/o Narinder Pal Singh R/o Bharal Town District Sangrur. The compromise has been effected between me and the accused persons without any pressure, threat, coercion and with my free consent. I have no objection, if FIR No.45 dated 27.07.2017 under Section 420, 120-B of IPC, PS Bhaini Mian Khan be quashed against the all the accused. The photocopy of my Aadhar Card is Mark-A. In this case none of the accused persons declared proclaimed offender.”

Learned State counsel, on instructions from ASI Manjinder

Singh, states that he is not well conversant with the compromise so arrived

at between the parties, however, considering the report of learned Magistrate, this Court finds that 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.0045 dated 27.07.2017 registered under Sections 420, 120-B IPC at Police Station Bhaini Mian Khan, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.04.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

06.08.2018

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