

246.

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

CRM-M-1718-2018

Date of decision:28.08.2018.

KUSHWANT SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Satinder Kaur, Advocate,
for the petitioners.

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

Ms. Manjeet Kaur, 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.81 dated 08.08.2017 registered under Sections 452, 323, 341, 34 IPC at Police Station Ajitwal, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.12.2017 (Annexure P-2).

This Court vide order dated 17.01.2018 had directed the parties to appear before the learned Area Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, respondent No.2-complainant could not appear before the learned Area Magistrate and again vide order dated 19.04.2018, parties were directed to appear before the learned Area

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Moga and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.06.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, Nachattar has made his statement with regard to compromise before learned Magistrate on 11.05.2018. The same is reproduced as under:-

“Stated that on the statement of me one FIR no.81 dated 08.08.2017 u/s 452/323/341/34 of IPC P.S. Ajitwal was registered against Kushwant Singh and Laljeet Singh both sons of Gurcharan Singh R/O village Dala Tehsil Ajitwal District Moga. Now due to intervention of respectables of the society compromise has been effected between me and both the accused Kushwant Singh and Laljeet Singh. Now I do not want to take any action against them. The said compromise is effected between me and accused Kushwant Singh and Laljeet Singh is without any undue influence and without any force. If the said FIR no.81 dated 08.08.2017 U/S 452/323/341/34 of IPC, P.S. Ajitwal may kindly be quashed and both the accused may be acquitted then I have no objection. I produce certified copy of my Adhaar Card.”

Learned State counsel as well as learned counsel for 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.81 dated 08.08.2017 registered under Sections 452, 323, 341, 34 IPC at Police Station Ajitwal, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 12.12.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

28.08.2018
sanjeev

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