

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-18865 of 2018

Date of Decision: 02.08.2018

Sahib Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sultan Singh Gill, Advocate
for the petitioners.

Mr. Surinder Pal Singh Tinna, Addl.A.G., Punjab

Mr. Bikramjit Singh Randhawa, 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 FIR No.109 dated 30.05.2012, under Sections 379, 411, 419, 420, 468, 471 of IPC P.S. Chherretta, District Amritsar City (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise dated 03.03.2018 (Annexure P-2).

This Court vide order 04.05.2018 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so

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Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of statements so recorded learned Magistrate has forwarded his report dated 31.05.2018 to the effect that the compromise appears to be genuine, valid, outcome of free consent of the parties and is without coercion from any quarter.

The statement of the complainant- Rajesh Jain as made before the learned Magistrate on 29.05.2018 reads as under:-

“Stated that the FIR No.109 dated 30.05.2012, under Sections 379, 411, 419, 420, 468, 471 IPC, was got registered by Police at Police Station Chhehrata,. Now a compromise has been effected between me and accused Sahib Singh S/o Bakhshish Singh R/o Village Buttar, Tehsil Baba Bakala, District Amritsar presently residing at Bhalla Colony, Chhehrata, Amritsar, with the intervention of respectables for the betterment of the parties and to end the future enmity/conflict between the parties and this compromise is arrived at between the parties with our free will and free consent. I have no objection if the present FIR and subsequent proceedings on the basis of this FIR are quashed.

Learned State counsel as well as learned counsel for respondent No. 2 have also not disputed the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

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Accordingly, following the principles laid down by the Full **Bench judgment of this Court in Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1252 (P&H)** and as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)12 SCC 303**, this petition is allowed and FIR No.109 dated 30.05.2012, under Sections 379, 411, 419, 420, 468, 471 of IPC P.S. Chherretta, District Amritsar City (Annexure P-1) and subsequent proceedings arising therefrom is quashed qua the petitioner, on the basis of compromise dated 03.03.2018(Annexure P-2).

02.08.2018

renu bala

**(HARI PAL VERMA)
JUDGE**

Whether speaking / reasoned? Yes / No

Whether reportable? Yes / No