

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

CRM-M-19170-2016

Date of Decision:14.11.2018

Jasvir Singh @ Jasbir Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

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

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

Mr. Munish Kamboj, Advocate for
Mr. P.S. Jammu, 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.41 dated 15.03.2016 under Sections 406, 420 IPC, registered at Police Station Nakodar, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.04.2016 (Annexure P-2).

This Court vide order dated 29.08.2017 had directed the parties to appear before the Illaqa Magistrate/concerned Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise, however, parties could not appear. Again vide order dated 13.08.2018, another opportunity was granted to the parties to get their statements recorded in terms of the order dated

29.08.2017.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.09.2018 to the effect that the parties have compromised the matter voluntarily.

Respondent No.2-Complainant, namely, Kirandeep Kaur, has made a statement with regard to compromise before learned Magistrate on 17.09.2018. The same is reproduced as under:-

“I have come present in pursuance of order dated 13.08.2018 in CRM-M-19170 of 2016 of Hon'ble High Court to record my statement. I have entered into a compromise with Jasvir Singh @ Jasbir Singh S/o Mahinder Singh age about 45 years, residents of H.No.1530, Sector 50-B, South Sector 34, Chandigarh in case FIR No.41 dated 15.03.2016, under Sections 406, 420 IPC of Indian Penal Code, PS Nakodar with my free will without any kind of pressure. I pray that FIR in question may kindly be quashed.”

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 FIR No.41 dated 15.03.2016 under

Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 17.04.2016 (Annexure P-2).

November 14, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No