

CRM-M-26178-2017

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

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Date of Decision: 17th January, 2018

Surinder Singh & others

...Petitioners

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Liaqat Ali, Advocate
for the petitioners.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

Mr. Sajida Akhtar, Advocate
for respondent No.2-complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0186 dated 08.07.2017, under Sections 452, 323, 326, 324, 506, 295, 148 and 149 of the Indian Penal Code, registered at Police Station Shahkot, District Jalandhar (Rural), (Annexure P-1) and all subsequent proceedings arising out of the same, in the light of the compromise dated 12.07.2017 (Annexure P-2) entered into between the petitioners and respondent No.2.

In pursuance to the submissions made by the counsel for the petitioners and the prayer made in the petition, order dated 24.07.2017 was passed by this Court, which reads as follows:-

“The instant petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0186 dated 08.07.2017, under Sections 452, 323, 326, 324, 506, 295, 148 and 149 IPC, registered at Police Station Shahkot, District Jalandhar (Rural) (Annexure P-1) on the basis of compromise dated 12.07.2017 (Annexure P-2).

Notice of motion.

On asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab accepts notice on behalf of respondent No.1- State, whereas, Mr. Sajida Akhtar, Advocate has put in appearance on behalf of respondent No.2-complainant. Copy of the petition has been supplied to them.

Service is complete.

List on 03.10.2017.

Meanwhile, parties are directed to appear before learned trial Court on 11.08.2017 or any other date convenient to the Court for recording their statements with regard to compromise. Trial Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. Trial Court is also directed to send report along with statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any case is pending against either of the parties and if any proceeding to declare any accused proclaimed offender is pending or not, before the next date of

hearing.”

In compliance with the order passed by this Court, parties had appeared before the Judicial Magistrate First Class, Nakodar, on 11.08.2017 and got recorded their statements, wherein, they stated that a compromise has been entered into between the petitioners and respondent No.2, which is without any pressure, coercion, undue influence, fraud or misrepresentation. The learned Judicial Magistrate First Class, Nakodar, has also submitted his report as per the order passed by this Court, according to which, none of the petitioners is proclaimed offender and the compromise dated 12.07.2017 (Annexure P-2) is genuine and have been entered into between the parties out of their free will, without any pressure or coercion. There is nothing to doubt the genuineness of the compromise arrived at between the parties.

Counsel for the petitioners as also respondent No.2 prays that FIR may be quashed in the light of compromise dated 12.07.2017 (Annexure P-2) entered into between the parties.

In the light of the fact that the parties have entered into a compromise and keeping in view the report submitted by the Judicial Magistrate First Class, Jalandhar, as also the principles laid down by the Hon'ble Supreme Court in *Narinder Singh & others Vs. State of Punjab & another, 2014 (2) R.C.R. (Criminal) 482* and the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another, 2007 (3) RCR (Criminal) 1052*, this Court is of the view that a genuine compromise has been entered into between the parties and continuance of the proceedings before the trial Court would be sheer

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wastage of time and energy and the interest of the society would be served by bringing an end to the dispute between the parties.

Therefore, the present petition is allowed. FIR No.0186 dated 08.07.2017, under Sections 452, 323, 326, 324, 506, 295, 148 and 149 of the Indian Penal Code, registered at Police Station Shahkot, District Jalandhar (Rural), (Annexure P-1) and all subsequent proceedings arising out of the same are hereby quashed.

17th January, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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