

263.

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

CRM-M-28088-2018

Date of decision:17.09.2018.

NARINDER SINGH AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.B.B.S. Randhawa, Advocate,
for the petitioners.

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

Ms. Mandeep 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.45 dated 08.07.2012 registered under Section 24 of Emigration Act, 1983 at Police Station Qadian, Police Station Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.03.2017 (Annexure P-2).

This Court vide order dated 09.07.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Batala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.08.2018 to the effect that the compromise effected between the parties is genuine and the same is not the result of any pressure or coercion.

Respondent No.2-complainant, namely, Daljit Singh has made his statement with regard to compromise before learned Magistrate on 18.07.2018. The same is reproduced as under:-

“Stated that the present FIR bearing no.45 dated 08.07.2012 under section Emigration Act, Police Station Qadian, Batala was registered against the accused namely Narinder Singh and Dharminder Singh on my statement. Now I have compromised the matter with accused above named with the intervention of the respectables vide compromise deed. Original of said compromise deed is attached with petition filed before Hon'ble High Court. I have no objection if FIR bearing no.45 dated 08.07.2012 under Section Emigration Act, Police Station Qadian, Batala, be quashed qua the above said persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C1. Further, compromise effected between me and accused is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.”

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.45 dated 08.07.2012

Qadian, Police Station Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.03.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

17.09.2018
sanjeev

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