

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-28828-2018

Date of Decision:21.09.2018

Jagraj Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. N.K. Manchanda, Advocate,
for the petitioner.**

Mr. Tanvir Joshi, A.A.G., Punjab.

None 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.60 dated 09.07.2015 under Sections 406, 201 IPC (the offence punishable under Section 420 IPC was added later on), registered at Police Station Ajitwal, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.05.2018 (Annexure P-2).

This Court vide order dated 12.07.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Moga and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.09.2018 to the effect that the parties have voluntarily entered into a compromise and they have made statements in the Court voluntarily, free from any duress or inducement.

Though, today no one is present on behalf of respondent No.2- Complainant, namely, Balwinder Singh, but no prejudice should be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 14.08.2018. The same is reproduced as under:-

“ I have entered into the compromise with the accused Jugraj Singh S/o Dalip Singh r/o village Bhai Rupa District Bathinda of FIR No.60 dated 09.07.2015, under Sections 406, 420, 201 IPC, P.S. Ajitwal District Moga with the intervention of respectable of the society. I have no objection, if the above said FIR which was lodged on my statement, is quashed. I have entered into the compromise to avoid further litigation and for the peace of mind. I have taken the custody of Trola bearing No.PB05-L-9897 from the accused. I do not want to pursue the present FIR. I am giving this statement without any pressure, undue influence and coercion and the compromise so entered between me and the above said accused was with my free will and consent, without any force, undue influence and coercion etc. from any quarter. The said compromise is voluntarily entered into by me with the said accused. No other individual was involved in the said incident. Copy of my Adhar Card is Ex.PA.”

Learned State counsel has 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.60 dated 09.07.2015 under Sections 406, 201 IPC (the offence punishable under Section 420 IPC was added later on), registered at Police Station Ajitwal, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise dated 25.05.2018 (Annexure P-2).

September 21, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No