

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28045-2017

Date of decision: January 09, 2018

Jaswinder Singh and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Satinder Kaur, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Ms. Manjeet Kaur, Advocate
for respondents No.2 and 3.

RAJ SHEKHAR ATTRI, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.24 dated 16.02.2017, under Sections 420, 120-B of Indian Penal Code, registered at Police Station Bagha Purana, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.06.2017 (Annexure P-2).

This Court vide order dated 27.09.2017 had directed the parties to appear before the trial Court/Area Magistrate 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 Sub Divisional Judicial Magistrate, Bagha Purana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.11.2017, the relevant part of which, is read as under:-

“As per copy of FIR, FIR was registered against Rajinder Singh, Pappu Singh and Darshan Singh and 8, 9 unknown persons and on 14.11.2017, Rajinder Singh, Sukhmander Singh alias Pappu and Darshan Singh accused appeared in the Court and got recorded their statements separately and as per record, challan has not been presented in the Court. It is further submitted that having recorded the statements of the parties and after orally inquired from them, this Court is of the considered opinion that compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and without any pressure.”

Respondent No.2-complainant, namely, Gurjant Singh has made a statement with regard to compromise before learned Magistrate on 14.11.2017 which reads as under:-

“Stated that I and Simranjit Singh have lodged the above noted FIR against the accused persons the detail of which is mentioned in the FIR. With the intervention of the respectables there arrived a compromise between myself and the accused persons. Now I do not want to proceed with the present case and I do not want to take any action against the accused persons. I have no objection in case the quashing proceeding pending in the Hon'ble Punjab & Haryana High Court be accepted and the FIR be quashed. The compromise has been effected without any pressure or compulsion and with our free will. Today I have suffered my statement in court without any undue influence.”

Learned State counsel as well as learned counsel for respondents No.2 and 3 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. and it will amount to abuse of the process of law.

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**

Singh Versus State of Punjab and others (2012) 10 SCC 303, this petition is allowed and F.I.R. No.24 dated 16.02.2017, under Sections 420, 120-B of Indian Penal Code, registered at Police Station Bagha Purana, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 23.06.2017 (Annexure P-2).

January 09, 2018
m. sharma

(RAJ SHEKHAR ATTRI)
JUDGE

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