

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-31391-2018

Date of Decision:01.10.2018

Harjinder Kaur and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. N.S. Sodhi, Advocate,
for the petitioners.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab,
for respondent No.1.

Mr. Rohit Ahuja, Advocate, for respondent Nos.2 to 7.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.30 dated 23.04.2007 under Sections 379/427/336/148/149 IPC and Sections 25, 27-54/59 of the Arms Act, registered at Police Station Fatehgarh Churian, Tehsil Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.05.2018 (Annexure P-2).

This Court vide order dated 26.07.2018 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 1st Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 24.09.2018 to the effect that the compromise effected between the parties is genuine, which is not the result of any pressure or coercion.

Respondent No.2-Prabhdyal Singh son of Complainant-Charan Kaur who has since died, has made a statement with regard to compromise before learned Magistrate on 29.08.2018 on behalf of respondent Nos.3 to 7 as well being their real brother and on the basis of general power of attorney. The same is reproduced as under:-

“Stated that the present FIR bearing no.30 dated 23.04.2007 under section-379, 427, 336, 148, 149 IPC and Section 25, 27-54/59 Arms Act, Police Station-Ghanie Ke Bangar, Batala was registered against the accused persons namely Harjinder Kaur, Ravinder Singh, Balwinder Singh and Amarjit Singh on my statement. Now, I have compromised the matter with above named accused persons with the intervention of the respectables. I have no objection, if the aforesaid FIR is quashed qua the above said accused persons. I have given my statement with my free will and without any coercion and any pressure. Copy of my Adhaar card is Ex.C1. Further, compromise effected between me and accused persons is not having any adverse effect on the rights of any third party. No any other litigation/proceedings is pending between me and accused persons in any court of law. I have not been declared proclaimed person/offender by any court of law.”

Learned counsel for the petitioners has argued that though the FIR in question was registered at the behest of Charan Kaur, however, she has died during the pendency of the present petition, leaving behind her

LRs-respondent Nos.2 to 7. Respondent No.2-Prabhdyal Singh is the real

son of Charan Kaur, whereas respondent Nos.3 to 7 are the daughters of Charan Kaur. Respondent Nos.3 to 7 have given a registered power of attorney dated 21.12.2009 in favour of respondent No.2-Prabhdyal Singh and it is on the basis of registered power of attorney, respondent No.2-Prabhdyal Singh has appeared before the trial Court and made a statement in support of the compromise.

Learned State counsel as well as counsel for respondent Nos.2 to 7 have not disputed the factum of compromise between the parties and states that respondent Nos.3 to 7 are real sisters of respondent No.2, who have given a registered power of attorney authorizing him to compromise the matter in all the courts including this Court.

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.30 dated 23.04.2007 under Sections 379/427/336/148/149 IPC and Sections 25, 27-54/59 of the Arms Act, registered at Police Station Fatehgarh Churian, Tehsil Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 07.05.2018 (Annexure P-2).

October 01, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No