

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31137-2017

Date of decision: 30.01.2018

BADAL GILL

.... Petitioner

vs.

STATE OF PUNJAB & ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepak Arora, Advocate, for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. G.S.Rawat, Advocate, for respondent No.2.

ARVIND SINGH SANGWAN,J. (ORAL)

Prayer in this petition is for quashing of FIR No. 48 dated 22.06.2010, under sections 328 and 34 IPC, registered at Police Station Basti Bawa Khel, District Jalandhar alongwith all consequential proceedings arising therefrom on the basis of compromise.

Counsel for the petitioner submits that after registration of the FIR, cancellation report was prepared by the police. However, the same has never been submitted and, therefore, the FIR remain alive.

Vide order dated 24.08.2017, the parties were directed to appear before the trial Court for recording their statements. In pursuance of abovesaid order, report dated 12.09.2017 from Judicial Magistrate 1st Class has been received. As per the report, petitioner-Badal Gill has entered into a valid and legal compromise with respondent No.2-Thomas Masih. Both, petitioner and complainant have recorded their respective statements and have stated that the compromise has been effected voluntarily, without any pressure and with their sweet will.

The trial Court has further reported that as per the report of Ahlmad/Clerk, no accused has been declared proclaimed offender as the

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report under Section 173 Cr.P.C./charge sheet was never presented in the case and in the abovesaid FIR, one more person, namely, Sunny Gill, s/o Jarnail Singh, has been mentioned as an accused.

Learned State counsel, on instructions from ASI Jasmer Chand, has also not disputed the factual position that after registration of the FIR, cancellation report was prepared.

In view of the fact that the parties have settled/compromised their dispute and have decided to live in peace and in view of Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052**, the FIR No. 48 dated 22.06.2010, under sections 328 and 34 IPC, registered at Police Station Basti Bawa Khel, District Jalandhar alongwith all other subsequent proceedings arising therefrom are, hereby, quashed qua petitioner-Badal Gill.

30.01.2018
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(ARVIND SINGH SANGWAN)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No