

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

CRM-M-35110 of 2018.

Decided on:- November 16, 2018.

Kuldeep Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Abhay Gupta, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, D. A.G., Punjab.

Mr. Rana Paramveer S. Behl, 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 FIR No.115 dated 03.06.2018 under Sections 406, 420, 465, 468, 471 and 120-B IPC registered at Police Station Samrala, Police District Khanna (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2018 (Annexure P-2).

This Court vide order dated 16.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners as well as respondent No.2-complainant have appeared before learned Sub-Divisional

Judicial Magistrate, Samrala and got their statements recorded on 20.09.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.09.2018 to the effect that the compromise has been voluntarily entered into between the parties and the same appears to be genuine and without any pressure or coercion.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Vaisakha Ram. His statement made before learned Magistrate on 20.09.2018 in support of the compromise reads as under:

“Stated that I have got registered the present FIR against Kuldeep Singh s/o Sucha Singh, Sucha Singh s/o Pyara Singh and Sikander Singh s/o Pyara Singh accused being complainant under Sections 406, 420, 465, 468, 471, 120B of IPC. However, I have compromised the matter with the accused persons with my free will without any pressure, influence or coercion. I have executed a compromise dated 8.8.2018 without any pressure and with my free will. I have seen the copy of the compromise dated 8.8.2018 which bears my signature and the same is Ex.PX. Now there is no dispute between me and accused persons. So, I do not want to take any action against accused persons. I have no objection if the FIR registered against the accused persons be quashed. I tender copy of my Aadhar Card for the purpose of ascertaining my identity as Ex.C1.”

Learned State counsel as well as learned counsel for respondent No.2-complainant have not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the FIR No.115 dated 03.06.2018 under Sections 406, 420, 465, 468, 471 and 120-B IPC registered at Police Station Samrala, Police District Khanna (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 08.08.2018 (Annexure P-2).

November 16, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No