

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

**CRM-M No.35136 of 2018
Date of Decision: 19.11.2018**

Amarjit Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. D. N. Ganeriwala, Advocate
for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

Mr. Sukhveer Singh Killianwali, Advocate
for respondent No.2.

HARI PAL VERMA J. (ORAL)

Vakalatnama filed on behalf of respondent No.2 is taken on record.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.09 dated 12.01.2018 under Sections 465, 466, 468, 471 IPC registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom, on the basis of compromise dated 06.08.2018 (Annexure P-2).

This Court vide order 17.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded in support of the compromise and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Sub-Divisional Judicial Magistrate, Kharar 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 29.09.2018 to the effect that the compromise has been voluntarily without any inducement, coercion or pressure etc.

Respondent No.2-complainant Tatbir Kaur has made a statement before the learned Magistrate on 20.09.2018 in support of the compromise. The same reproduced as under:

“I have compromised the matter with the accused namely Amarjit Singh. I do not want to pursue with the present trial. I have no objection if the FIR No.09 dated 12.01.2018, u/s 465, 466, 468, 471 IPC, P.S. City Kharar, is quashed. I am making the statement without any pressure or coercion. I undertake to appear before the Hon'ble High Court for the States of Punjab and Haryana at Chandigarh in the quashing petition filed by the accused as and when my presence is required by the Hon'ble Court.”

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.

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 petition is allowed and the FIR No.09 dated 12.01.2018 under Sections 465, 466, 468, 471 IPC registered at Police Station City Kharar, District SAS Nagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed *qua the petitioner* on the basis of compromise(Annexure P-2).

(HARI PAL VERMA)
JUDGE

November 19, 2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No