

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.282

CRM-M-36218-2018

Date of decision : 4.12.2018

Gagandeep Singh and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ritesh Pandey, Advocate, for the petitioners.

Mr. R.S. Bains, DAG, Punjab

Mr. M.K. Sharma, Advocate for respondent No.2.

SUDHIR MITTAL, J. (Oral)

The present petition has been filed for quashing of FIR No.15 dated 12.5.2015, registered at Police Station Dorangla, District Gurdaspur under Sections 420, 406, 120-B IPC on the basis of compromise (Annexure P-2).

Pursuant to order dated 23.8.2018, report dated 13.11.2018 of the Judicial Magistrate Ist Class, Gurdaspur, has been received, wherein, on the basis of statements of the parties, it has been submitted that the compromise arrived at between the petitioners and respondent No.2 is genuine and without any pressure or coercion. Further, it has been reported that the above FIR was registered against the petitioners only and that petitioner No.1-Gagandeep Singh son of Joginder Singh, has been declared proclaimed person vide order dated 2.1.2016 and he has not surrendered before the trial Court.

Although, the complainant/respondent No.2-Tarlochan Singh has stated to have compromised the matter with petitioner No.1-Gagandeep Singh also, but since the latter has been declared as proclaimed offender by the learned trial Court vide order dated 2.1.2016 and has not surrendered before it, he is not entitled to the relief of quashing of the FIR, as prayed for.

In view of the fact that petitioner No.2-Narinder Singh has compromised the matter with respondent No.2/complainant Tarlochan Singh and as reported by the learned JMIC, Gurdaspur, the compromise is genuine and without any pressure or coercion, instant petition is allowed and FIR No.15 dated 12.5.2015, registered at Police Station Dorangla, District Gurdaspur under Sections 420, 406, 120-B IPC alongwith all consequential proceedings having arisen therefrom, is quashed qua petitioner No.2- Narinder Singh.

(SUDHIR MITTAL)
JUDGE

4.12.2018
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No