

CRM-M-36229-2018

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36229-2018.

Decided on:-November 26th, 2018.

PARAMJIT KAUR

.....Petitioner.

Versus

STATE OF PUNJAB AND ORS

.....Respondents.

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

Present:- Mr. B.B.S. Randhawa, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG Punjab.

Ms. Mandeep Kaur, Advocate
for respondent Nos. 2 and 3.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.78 dated 27.05.2014 under Sections 420, 467, 468 and 471 IPC, registered at Police Station City Batala, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.08.2018 (Annexure P-2).

This Court vide order dated 23.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Judicial Magistrate (First Class), Batala and got their statements recorded. On the basis of statements so recorded, learned Judicial Magistrate 1st Class has submitted report dated 29.09.2018 to the effect that the parties have compromised the matter out of their free will and without any sort of pressure or fear.

Learned counsel for the respondent Nos. 2 and 3 does not dispute the factum of compromise.

Respondent No.2-complainant, namely, Kewal Singh has made his statement with regard to compromise before learned Judicial Magistrate (First Class) on 28.09.2018. The same is reproduced as under:-

“Stated that the present case having F.I.R. No.78 dated 27.05.2014 under Sections 420, 467, 468, 471 of Indian Penal Code, Police Station City Batala was registered against the accused namely Paramjit Kaur wife of Jagir Singh, resident of Chahal Kalan, Tehsil Batala, District, Gurdaspur on my statement. Now I have compromised the matter with accused (petitioner) with the intervention of the respectables. I have no objection, if the present FIR may be quashed qua the above said accused/petitioner. I have given my statement with my free will and without any coercion and any pressure. Copy of my Aadhaar Card is Ex. C-2. No any other litigation/proceeding is pending between us in any court of law. Further, compromise effected between us is not having any adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.”

Apart from above, similar statement has also been made by Balkar Singh-respondent No.3, the brother of the complainant-Kewal Singh-respondent No.2 whereby he has shown no objection to the FIR being quashed.

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 F.I.R. No.78 dated 27.05.2014 under Sections 420, 467, 468 and 471 IPC, registered at Police Station City Batala, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 09.08.2018 (Annexure P-2).

November 26, 2018

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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No