

268.

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

CRM-M-38016-2018

Date of decision:04.12.2018

GURCHARAN SINGH AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Surinder Garg, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr.Puneet Jain, 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 F.I.R. No.58 dated 13.05.2016 registered under Sections 420, 494, 380, 120-B of IPC at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2018 (Annexure P-2).

Power of attorney filed on behalf of respondent No.2 in court today, is taken on record.

This Court vide order dated 31.08.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 learned Sub Divisional Judicial Magistrate, Gidderbaha and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.10.2018 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure and with their free will.

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

“Stated that present FIR No.58 dated 13.05.2016 u/s 420, 494, 380 & 120 B of IPC of PS Lambi was registered against the accused (i) Gurcharan Singh son of Pala Singh r/o village Aklika Kalan, Distt. Bathinda, (ii) Satpal Singh son of Ajaib Singh r/o Backside Electricity office, Goniana Mandi, Distt. Bathinda, (iii) Kuldeep Kaur wife of Satpal Singh r/o Backside Electricity office, Goniana Mandi, Distt. Bathinda, (iv) Rani @ Jaswinder Kaur wife of Shingara Singh r/o Backside Electricity office, Goniana Mandi, Distt Bathinda, (v) Charanjit Kaur @ Manjit Kaur d/o Sukhdev Singh r/o village Kot Fatta, Tehsil and Distt Bathinda, on my statement. Now the compromise has been effected between me and above said accused persons with the intervention of respectable people of area. All the accused are present in the court today and I identify them. Said compromise is voluntarily, without any pressure, coercion and undue influence. Compromise reduced in the writing and original of same is attached with the petition filed before Honourable High Court. Photo state copy of my adhar card is Mark A. I have no objection if the present FIR is quashed against above said accused persons on the basis of compromise.”

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

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.58 dated 13.05.2016 registered under Sections 420, 494, 380, 120-B of IPC at Police Station Lambi, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 08.08.2018 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

04.12.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No