

252.

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

CRM-M-37191-2017

Date of decision:21.08.2018

SUKHJINDER SINGH @ SUNNY

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Chanan Singh, Advocate,
for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional Advocate General,
Punjab, for respondent No.1.

Ms. Manju Sharma, 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.37 dated 13.03.2017 registered under Sections 341, 427, 148, 149 IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-2) and all subsequent proceedings arising therefrom on the basis of compromise dated 02.08.2017 (Annexure P-1).

This Court vide order dated 27.04.2018 had directed the parties to appear before the 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

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.08.2018 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Dilraj Kaur has made her statement with regard to compromise before learned Magistrate on 21.07.2018. The same is reproduced as under:-

“That with the intervention of the respectables of the area, I have entered into a compromise with the accused party without any pressure. Petition under Section 482 Cr.P.C. is pending in the Hon'ble Punjab and Haryana High Court for quashing of case in FIR no.37 dated 13.3.2017 registered under section 427, 148, 149 IPC at Police Station Mukerian. I have effected the compromise with the accused party voluntarily and without any pressure. The compromise effected between us is genuine and valid. To this effect compromise dated 2.8.2017 was duly signed and executed by me and by as well as by accused Sukhjinder Singh. The true copy of the compromise is Annexure P1. I also filed a duly attested affidavit dated 2.8.2017, the true copy of which is also produced as Annexure P3. Except me and Sukhjinder Singh no other person is involved in this FIR. No any other case is either pending or decided between the parties except the present FIR. I am not declared proclaimed offender by any Court and as per compromise, I have made this statement today in the Court voluntarily and without any pressure. I do not want any further action into the matter. I have no objection if case in FIR no.37 dated 13.3.2017 registered under section 427, 148, 149 IPC at Police Station Mukerian Distt. Hoshiarpur be quashed.”

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

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.37 dated 13.03.2017 registered under Sections 341, 427, 148, 149 IPC at Police Station Mukerian, District Hoshiarpur (Annexure P-2) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 02.08.2017 (Annexure P-1).

(HARI PAL VERMA)
JUDGE

21.08.2018

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