

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

CRM-M-39484 of 2018.

Decided on:- December 06, 2018.

Ram Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Paramjit Singh Bal, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, D. A.G., Punjab.

Mr. Madan Sandhu, 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 FIR No.134 dated 29.07.2016 under Sections 454 and 380 IPC registered at Police Station Sadar Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 08.08.2018 (Annexure P-2).

This Court vide order dated 10.09.2018 had directed the parties to appear before the trial Court/Illaq Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioner as well as respondent No.2-complainant have appeared before learned Judicial

Magistrate 1st Class, Khanna and got their statements recorded on 11.10.2018. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 22.10.2018 to the effect that the parties have arrived at a voluntary compromise which is genuine and out of free will of the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Surinder Pal. His statement made before learned Magistrate on 11.10.2018 in support of the compromise, reads as under:

“Stated that the matter has been compromised with the accused person Ram Singh in CRM-M-No.39484 of 2018 with my own free will and without any pressure, coercion. I have no objection if FIR No.134 dated 29.7.2016 u/s 454/380/411 IPC, PS Sdar Khanna is quashed. Copy of my aadhaar card is Ex.-PA.”

Learned counsel for the petitioner has contended that though the aforesaid FIR was initially registered under Sections 454 and 380 IPC, but later on, Section 411 IPC was also added in the case. Therefore, the offence under Section 411 IPC is mentioned in the report submitted by learned Magistrate as well as in the statement of the parties.

Learned State counsel and 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.

Thus, 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 present petition is allowed and the FIR No.134 dated 29.07.2016 under Sections 454 and 380 IPC (Section 411 IPC added later on) registered at Police Station Sadar Khanna, District Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 08.08.2018 (Annexure P-2).

December 06, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No