

261.

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

CRM-M-41573-2018

Date of decision:12.11.2018.

BAKSHISH SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Loveneet Thakur, Advocate,
for the petitioners.

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

Mr. Gaurav Kalsi, Advocate, for
Mr. Navraj Singh, 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.0090 dated 07.09.2016 registered under Sections 406/420/120B of IPC at Police Station Sadar Nabha, District Patiala (Annexure P-1/T) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.09.2018 (Annexure P-2/T).

This Court vide order dated 20.09.2018 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

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.10.2018 to the effect that the compromise has been effected between the parties voluntarily, without any pressure and the same is genuine.

Respondent No.2-complainant, namely, Mani Singh has made his statement with regard to compromise before learned Magistrate on 04.10.2018. The same is reproduced as under:-

“Stated that the present FIR i.e. FIR No.90 dated 07.09.2016 under Section 406/420 read with 120-B IPC was registered at PS Sadar on my complaint against accused Bakshish Singh and Sukhchain Singh. Now, the matter has been compromised between me and both the accused person. The said compromise is genuine and has been arrived at voluntarily without any pressure or undue influence. I have no objection if the FIR against the accused person is quashed. Apart from the named Bakshish Singh and Sukhchain Singh, no other person is involved in the case nor any person was named by me. No person has been declared as absconder/PO in this case nor any such proceedings is pending against any accused in relation to this case.”

Learned State counsel as well as learned counsel appearing on behalf of 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

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.0090 dated 07.09.2016 registered under Sections 406/420/120B of IPC at Police Station Sadar Nabha, District Patiala (Annexure P-1/T) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 13.09.2018 (Annexure P-2/T), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

12.11.2018

sanjeev

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