

259.

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

CRM-M-43165-2018

Date of decision:17.12.2018

TIRATH RAM AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.P. Soi, Advocate,
for the petitioners.

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

Ms.Parveen, 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.101 dated 21.08.2017 registered under Sections 379-B, 341, 506, 34 of IPC (Section 411 IPC added lateron) at Police Station Lohian, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 22.09.2018 (Annexure P-2).

This Court vide order dated 01.10.2018 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 Judicial Magistrate Ist Class, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.11.2018 to the effect that the compromise effected between the parties is genuine one.

Respondent No.2-complainant, namely, Manbir Singh @ Manna has made his statement with regard to compromise before learned Magistrate on 01.11.2018. The same is reproduced as under:-

“Stated that FIR No.101 dated 21.08.2017 Under Section 379B, 341, 506, 34 IPC PS: Lohian, Distt. Jalandhar was registered on my statement. Now I have entered into compromise with the accused persons namely Gurwinder Singh @ Kandu S/o Gurmej Singh, Tirath Ram @ Baba, S/o Mulakh Raj and Sukhpreet Singh @ Sokha, S/o Gurmel Singh, without any duress, coercion or any other pressure, to maintain the peace and harmony. This compromise has been arrived at with the intervention of respectables of the village Khosa. I have no objection if no the FIR is quashed.”

Though in the FIR, quashing has been sought for Sections 379-B, 341, 506, 34 of IPC and Section 411 IPC was added lateron, but the complainant-Manbir Singh @ Manna, while appearing before the trial Court to get his statement recorded, has stated that FIR No.101 (supra) was registered on his statement qua offences under Sections 379B, 341, 506, 34 IPC. On a specific query as to why the complainant has not made the statement for offence under Section 411 IPC, learned counsel for the complainant states that it is due to some inadvertence, the said Section has not been incorporated in the statement. Even otherwise, the matter has been

Learned State counsel, on instructions from ASI Hans Raj, states that initially the FIR was registered for offences under Sections 379-B, 341, 506 and 34 IPC and it is during the course of investigation, the offence under Section 411 IPC was added and the challan was presented accordingly.

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.101 dated 21.08.2017 registered under Sections 379-B, 341, 506, 34 of IPC (Section 411 IPC added lateron) at Police Station Lohian, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 22.09.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.30,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

17.12.2018
sanjeev

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