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

CRM-M-44343-2018

Date of decision:28.11.2018.

DIDAR SINGH AND ANR

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Jagatpal Singh Banwait, Advocate, for
Mr. Sarju Puri, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

None 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.93 dated 05.06.2018 registered under Sections 323, 324, 341, 506, 34 of IPC (Section 326 IPC added lateron) at Police Station City Nawanshahr, District SBS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of statement of complainant-respondent No.2 dated 29.08.2018 made before learned District Judge, Family Court, SBS Nagar in a petition filed under Section 13-B of Hindu Marriage Act.

This Court vide order dated 08.10.2018 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 Additional Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.11.2018 to the effect that the compromise so effected amongst the parties is genuine, voluntary, without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jaswinder Singh Khatkar, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 26.10.2018. The same is reproduced as under:-

“Stated that, FIR No.93 dated 05.06.2018 under Section 323, 324, 341, 506, 34 (326 added later on) IPC, PS-City Nawanshahr, Distt. SBS Nagar has been got registered by me against the accused persons namely Didar Singh s/o Mohinder Singh, Arsh Mann, s/o Didar Singh both resident of Chakk Hazipur, Teh. Garhshankar, Distt. Hoshiarpur and two other unidentified persons. Now, compromise has been effected between me and aforesaid both accused with the intervention of relatives and respectables from both sides. The compromise has been effected without any pressure, undue influence or coercion. Accused Didar Singh and Arsh Mann have filed the petition bearing CRM-M-44343-2018, pending before the Hon'ble High Court. I do not have any objection if the aforesaid petition is allowed by the Hon'ble High Court

and I do not want to proceed against unidentified persons also. Copy of my Aadhar Card is Ex.C1 (Original seen and returned).”

Learned State counsel has not disputed the factum of compromise arrived at 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.93 dated 05.06.2018 registered under Sections 323, 324, 341, 506, 34 of IPC (Section 326 IPC added lateron) at Police Station City Nawanshahr, District SBS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of statement of complainant-respondent No.2 dated 29.08.2018 made before learned District Judge, Family Court, SBS Nagar in a petition filed under Section 13-B of Hindu Marriage Act.

(HARI PAL VERMA)
JUDGE

28.11.2018
sanjeev

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