

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

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CRM-M No.45416 of 2016

Date of Decision: January 23rd, 2018

Rajvir Singh alias Raju and others

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.S. Sodhi, Advocate
for Mr. Rajinder Singh Dhaliwal, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. S.S. Sodhi, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court praying for quashing of FIR No.78 dated 12.11.2016 (Annexure P-1) registered under Sections 431, 147, 149 IPC, at Police Station Cheema, District Sangrur in view of the compromise dated 29.11.2016 (Annexure P-3) arrived at between the parties.

On 27.03.2017, when this case came up for hearing, following order was passed:-

“Notice of motion.

On asking of the Court, Mr. Jasjeet Dhaliwal, Deputy Advocate General, Punjab puts in appearance and accepts notice on behalf of respondent No.1-State. A copy of the paper book be supplied to him.

Mr. S.S. Sodhi, Advocate has put in appearance on his own on behalf of respondent No.2 and filed his Power of Attorney today in the Court. Same is taken on record.

In the light of contentions that the parties have since then effected compromise, they are directed to put in

appearance before the Illaqa Magistrate/concerned Court, Police Station Cheema, District Sangrur within 15 days from today to record their statements and the Illaqa Magistrate/concerned Court shall make report as to its satisfaction and submit it back before the next date of hearing. The Magistrate shall also intimate if any of the parties to this petition has been declared as Proclaimed Offender.

List on 7th September, 2017.”

In compliance with the above order passed by this Court, parties appeared before the Sub Divisional Judicial Magistrate, Sunam, who recorded the statements of the petitioners as also the complainant. On the basis of the statements, learned Sub Divisional Judicial Magistrate, Sunam, has submitted his report, according to which he opines that the compromise arrived at between the parties is voluntary with free consent and free from coercion, undue influence or fear. Complainant has further stated that he has no objection if the FIR is quashed in the light of the compromise.

In view of the above report of the Sub Divisional Judicial Magistrate, Sunam, and also keeping in view the facts and circumstances of the present case as also 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*** as also the judgment of Supreme Court in ***Narinder Singh and others Versus State of Punjab 2014 (2) RCR (Criminal) 482***, the present petition is allowed and FIR No.78 dated 12.11.2016 (Annexure P-1) registered under Sections 431, 147, 149 IPC, at Police Station Cheema,

District Sangrur and all consequential proceedings arising therefrom,
are hereby quashed.

January 23rd, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No