

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-47675-2017

Date of Decision:20.07.2018

Jagmeet Singh Brar

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab,
for respondent No.1.

Mr. Davinder Kumar, 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.45 dated 13.03.2014 under Section 420 IPC and Section 24 of the Emigration Act, 1983, registered at Police Station Civil Lines, Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 13.10.2017 (Annexure P-4).

This Court vide order dated 15.12.2017 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, however, parties could not appear. Again vide order dated 28.03.2018, another opportunity was granted to the parties

to get their statements recorded in terms of the order dated 15.12.2017.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.04.2018 to the effect that with the intervention of family and friends, the parties have compromised the matter. The compromise effected between the parties appears to be genuine, voluntary, out of free will and without any coercion or undue influence. The complainant has no objection if the FIR in question is quashed.

Respondent No.2-Complainant, namely, Jagga Singh, has made a statement with regard to compromise before learned Magistrate on 24.04.2018. The same is reproduced as under:-

“Stated that FIR No.45 dated 13.03.2014 under Section 420 of IPC and 24 of Immigration Act, Police Station Civil Lines, Bathinda was registered by me against Jagmeet Singh. With the intervention of relatives and friends, compromise was effected with accused and we have filed a petition No.CRM-M-47675 of 2017 before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for quashing the above said FIR which is pending before the Hon'ble High Court of Punjab and Haryana, Chandigarh, for 20.07.2018. I have no objection if the accused may be acquitted from the offences. I got recorded my statement without any pressure and with my free will.”

Learned State counsel as well as learned counsel for 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 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 FIR No.45 dated 13.03.2014 under Section 420 IPC and Section 24 of the Emigration Act, 1983, registered at Police Station Civil Lines, Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioner on the basis of compromise/affidavit dated 13.10.2017 (Annexure P-4).

July 20, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No