

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49051-2017 (O & M)

Date of decision: 24.08.2018

Makhan Singh

.... petitioner

V/s

State of Punjab and anr.

..Respondent(s)

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ritesh Pandey, Advocate, for the petitioner.

Mr. A.S. Sandhu, Addl.A.G., Punjab.

Mr. A.S. Bhatti, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks quashing of FIR No.103 dated 02.08.2004 registered under Sections 419, 420, 467, 468 and 471 IPC at Police Station City Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings emanating therefrom on the ground that the matter has since been compromised amongst the parties.

FIR was lodged at the instance of Jarnail Singh. It is alleged that out of seven accused, six have faced trial and have since been acquitted. However, the present petitioner had been declared a proclaimed offender and as such he was not associated with the proceedings of the trial. However, subsequently, the matter seems to have been compromised amongst the parties.

Vide order dated 06.04.2018, parties were directed to appear before the trial court so as to get their statements recorded qua the factum of compromise.

A Report of learned SDJM, Batala, has been received to the effect that the statements of the accused/petitioner Makhan Singh and also of the complainant Jarnail Singh have been recorded to the effect that they have compromised the matter. It has specifically been opined that the compromise has been effected amongst the parties voluntarily without there being any undue influence or coercion.

In view of the aforesaid compromise and bearing in mind the law laid down by Full Bench of this Court in 2007 (3) RCR (Crl.) 1052 Kulwinder Singh and others versus State of Punjab, the present petition is allowed and FIR No.103 dated 02.08.2004 registered under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860 at Police Station City Batala, District Gurdaspur, and all the consequent proceedings arising therefrom are hereby quashed.

August 24, 2018
sukhpreet

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

