

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-49267-2017

Date of Decision: 01.08.2018

Bittu Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Yesh Paal Malik, Advocate,
for the petitioners.**

Mr. SPS Tinna, Additional Advocate General, Punjab.

**Mr. R.S. Bhathal, 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.19 dated 23.03.2017 under Sections 380, 457, 411 IPC, registered at Police Station Kotwali, Nabha (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 13.12.2017 (Annexure P-2).

This Court vide order dated 22.12.2017 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, petitioners could not appear. Again vide order dated 20.02.2018, another opportunity was granted to the petitioners to get their statements recorded in terms of the order dated

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Nabha and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.02.2018 to the effect that the parties have compromised the matter. The compromise is genuine, voluntary and without coercion or undue pressure.

Respondent No.2-complainant, namely, Renu Bala, has made a statement with regard to compromise before learned Magistrate on 27.02.2018. The same is reproduced as under:-

“Stated that the present FIR i.e. FIR No. 19 dated 22.03.2017 (wrongly written as 22.03.2017) under Section 457, 380, 411 IPC, PS Kotwali, Nabha was registered on my complainat. That I have compromised the matter with the accused persons namely Ramesh Kumar @ Rinku s/o Hari Singh, Balbir singh @ Mithu s/o Satpal and Bittu Singh s/o Sher Singh. The said compromise has been arrived at voluntarily without any coercion or undue influence. The theft had taken place in my quarter shared with my colleague and friend Sukhwinder Kaur. She has also voluntarily compromised the matter with the accused persons. We have both received back the articles which were stolen. As such, the FIR against the accused persons may be quashed.”

Apart from above, a similar statement has been made by co-victim Sukhwinder Kaur, whereby she has shown no objection to the FIR being quashed.

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.19 dated 23.03.2017 under Sections 380, 457, 411 IPC, registered at Police Station Kotwali, Nabha (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 13.12.2017 (Annexure P-2).

August 01, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No