

CRM-M-49533-2017

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-49533-2017

Decided on:-November 26th, 2018.

JASWINDER SINGH

.....Petitioner.

Versus

STATE OF PUNJAB AND ANR

.....Respondents.

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

Present:- Mr. L.S. Sidhu, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG Punjab.

Mr. Ithlesh, 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 F.I.R. No.2 dated 21.07.2006 under Sections 447, 427, 506, 148 and 149 IPC, registered at Police Station Garhdiwala, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.11.2017 (Annexure P-6).

This Court vide order dated 21.08.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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 Judicial Magistrate Ist Class, Dasuya and got their statements recorded. On the basis of statements so recorded, learned Magistrate has submitted report dated 31.10.2018 to the effect that the parties have compromised the matter out of their free will and without any sort of pressure and fear.

Learned counsel for the respondent does not dispute the factum of compromise qua the petitioner.

Respondent No.2-complainant, namely, Davinder Singh has made his statement with regard to compromise before learned Judicial Magistrate 1st Class on 26.09.2018. The same is reproduced as under:-

“Stated that the abovenoted FIR was registered on my statement against Davinder Singh S/o Pritam Singh, Jaswinder Singh S/o Pritam Singh and Parveen Kumar S/o Balkrishan. Davinder Singh and Parveen Kumar were acquitted in the abovenoted FIR vide order dated 14.08.2013 passed by the then Court of Sh. Rajinder Singh Nagpal, PCS JMIC Dasuya. The accused Jaswinder Singh S/o Pritam Singh accused was declared P.O. in this case. The accused Jaswinder Singh got an anticipatory bail from the Hon'ble Punjab and Haryana High Court. Now this case was fixed on 05.12.2018 for prosecution evidence. A compromise has been effected between me and Jaswinder Singh S/o Pritam Singh R/o Village Ram Tatwali, PS Gardhiwala district Hoshiarpur with the intervention of the respectables of the villagers. The compromise effected is without any influence, concision and is a genuine compromise. The FIR number 2 dated 21.07.2006 under section 447, 427, 506, 34 of IPC PS Garhdiwala may kindly be quashed on the basis of the compromise.

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 qua the petitioner and F.I.R. No.2 dated 21.07.2006 under Sections 447, 427, 506, 148 and 149 IPC, registered at Police Station Garhdiwala, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 20.11.2017 (Annexure P-6).

November 26, 2018

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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No