

CRM No. M-49623 of 2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-49623 of 2017
Decided on : 14.05.2018

Gurpreet Singh alias Preet

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present : Mr. K.S. Lakhanpal, Advocate for the petitioner.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

Anupinder Singh Grewal, J.(Oral)

The petitioner is seeking quashing of FIR No. 81 dated 31.07.2011, under Sections 451, 323, 324, 506, 148, 149 IPC, registered at Police Station Ghagga, District Patiala and all subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 18.12.2017 (Annexure P-2), which has been arrived at between the parties.

Learned counsel for the petitioner contends that the FIR is an outcome of a minor altercation between neighbours, which has now been resolved and the matter has been compromised. Learned counsel further contends that the petitioner is the power of attorney holder of accused Gurpreet Singh who was residing abroad. Gurpreet Singh is not named in the FIR and the alleged proclamation declaring him as a proclaimed offender had been issued at his address in the native village while he was residing in Spain. He cites judgment of a Coordinate Bench of this Court

in the case of ***Dalbir Singh and others Vs. State of Punjab and another,***

CRM No. M-6396 of 2017, decided on 15.05.2017, wherein FIR has been quashed on the basis of power of attorney pertaining to the accused, who was also declared as proclaimed offender.

This Court vide order dated 22.12.2017 had directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to veracity of the compromise. Report of Judicial Magistrate Ist Class, Samana dated 17.01.2018 has been received, wherein it is stated that in pursuance to the order of this Court, statements of the parties were recorded. As per the statements, compromise is genuine and without any coercion or undue influence.

The FIR is stated to be an outcome of a minor altercation between neighbours, which has been resolved and the matter has been compromised.

In view of the law laid down in “*Narinder Singh Vs. State of Punjab*” 2014 (6) SCC 466, no useful purpose will be served by continuing the criminal proceedings. Therefore, the petition is allowed and FIR No. 81 dated 31.07.2011, under Sections 451, 323, 324, 506, 148, 149 IPC, registered at Police Station Ghagga, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom, are hereby quashed qua the petitioner only.

May 14, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No