

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-8829 of 2018 (O&M)

Date of Decision: 31.08.2018

Tarsem Singh @ Teena & others

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- None for the petitioners.

Mr. Surinder Pal Singh Tinna, Addl.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.150 dated 07.10.2015 under Sections 420, 406 IPC registered at P.S.Bagha Purana, District Moga and subsequent proceedings arising therefrom, on the basis of compromise dated 26.09.2016 (Annexure P-2).

This Court vide order 30.07.2018 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise so arrived and the Illaqa Magistrate/trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Sub Divisional Judicial Magistrate, Bagha Purana and got their statements recorded. On the basis of statements so recorded, learned Magistrate has forwarded his report dated 20.08.2018 to the effect that the compromise so arrived at between parties is genuine, voluntary, without any coercion, pressure or undue influence.

Though no one has put in appearance on behalf of respondent nos.2 and 3 - complainant, but no prejudice would be caused to them in case the present petition is allowed, as they have already made their statements before the learned Magistrate on 08.08.2018 regarding the compromise between the parties. Tejinder Singh, complainant, is stated to have appeared through his power of attorney, who is his wife namely Joginder Kaur. The joint statement of Rakesh Kumar and Tejinder Singh, respondents no.2 and 3, respectively, reads as under:-

“Stated that we have lodged the above noted FIR against the accused persons by us. With the intervention of the respectables there arrived a compromise between ourselves and the accused persons. Now, we do not want to proceed with the present case and we do not want to take any action against the accused persons present in Court. We have no objection in case the quashing proceeding pending in the Hon’ble Punjab & Haryana High Court be accepted and the FIR be quashed. The compromise has been effected without any pressure or compulsion and with our free will. Today we have suffered our statement in Court without any undue influence. Photocopy of Adhaar Card of complainants Ex.A1 and Ex.A2. Photocopy of power of attorney in favour of Joginder Kaur given by Tejinder Singh, complainant is. Ex.A3 (Original seen and returned).”

Learned State counsel does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1252 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)12 SCC 303, this petition is allowed and FIR No.150 dated 07.10.2015 under Sections 420, 406 IPC registered at P.S.Bagha Purana, District Moga and subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise dated 26.09.2016 (Annexure P-2).

August 31, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No