

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Criminal Misc. No.M-8882 of 2018
Date of Decision: 24.07.2018**

Surinder Singh and another

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Ms. Poonam Verma, Advocate
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

Ms.Avinash Mandla, Advocate for respondent
No.2-complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.33 dated 20.03.2015 under Sections 406, 420, 467 of IPC registered at P.S. Kotwali, Nabha (Annexure P-1) and the further proceedings arising therefrom, if any, on the basis of compromise dated 15.02.2018(Annexure P-2).

This Court vide order 23.04.2018 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned 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 learned Sub Divisional Judicial Magistrate, Nabha and got their statements recorded. Learned Magistrate has forwarded her report dated 08.05.2018 to the effect that the parties have genuinely and voluntarily got their statements recorded regarding compromise out of their own free will and the same is genuine. The statement of Gurpiar Singh, complainant reads as under:-

“Stated that the present FIR i.e. FIR No.33 dated 20.03.2015 PS Kotwali Nabha under Section 406/420/467 IPC was got registered by me against accused persons Surinder Singh and Varinder Singh. I have compromise the matter with the accused persons namely Surinder Singh s/o Nirnajan Singh and Varinder Singh s/o Surinder Singh. The said compromise has been arrived at voluntarily and without any pressure or undue influence.

Apart from the above named accused persons namely Surinder Singh and Varinder Singh no other person involved nor any person has been declared absconder in this case.

In view of the compromise it is prayed that the FIR against the accused persons may be quashed.”

Learned counsel for respondent No.2-complainant does not dispute the factum of compromise.

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) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and**

others, (2012)10 SCC 303, this petition is allowed and FIR No.33 dated 20.03.2015 under Sections 406, 420, 467 of IPC registered at P.S. Kotwali, Nabha (Annexure P-1) and the further proceedings arising therefrom, if any, are quashed *qua* the petitioners, on the basis of compromise (Annexure P-2).

July 24, 2018
Anjal

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`