

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9588-2018

Date of decision: 24.07.2018

Hardeep Singh @ Suraj and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Talwinder Singh, Advocate for the petitioners.

Mr. Harpreet Multani, AAG, Punjab.

Kuldep Singh, Advocate for respondent No. 2 and 3.

RAMENDRA JAIN, J. (ORAL)

1. Power of attorney filed on behalf of respondent No. 3 is taken on record. Office to tag the same at the appropriate place.
2. Through this petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 10 dated 12.01.2016 (Annexure P-1) registered under Section 392 IPC and Section 25 of the Arms Act at Police Station Nihal Singh Wala, District Moga and all subsequent proceedings arising therefrom, on the basis of compromise dated 18.01.2018 (Annexure P-2) effected between the parties.
3. Vide order dated 16.03.2018, parties were directed to appear before the trial Court, to get their statements recorded for compromise with a direction to the trial Court, to furnish a report qua veracity of the compromise.

Judicial Magistrate, Nihal Singh Wala and got recorded their statements qua compromise on 04.04.2018. Report from the Sub Divisional Judicial Magistrate, Nihal Singh Wala, vide letter No.331 dated 17.04.2018, duly forwarded by learned District and Sessions Judge, Moga, vide Endst. No. 1693/EB dated 19.04.2018 has been received. According to the report of the learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, compromise between the parties is genuine, voluntary and out of free will and without any coercion or undue influence and the same is a valid compromise.

5. In the instant case, quashment of FIR has been sought under Section 392 IPC. Relying upon various judgments of co-ordinate Benches of this Court in *(i) CRM-M-6035-2017, Udey Singh and others Vs. State of Haryana and another, decided on 28.08.2017; (ii) CRM-M-30923-2017, Tejinder Singh @ Kala and others Vs. State of Punjab and another, decided on 19.09.2017* and *(iii) CRM-M-35440-2017, Gagandeep Singh @ Gaggi and another Vs. State of Punjab and another, decided on 30.11.2017*, learned counsel for the petitioners contends that in similar situation this Court has quashed FIRs under Section 392 IPC.

6. In view of the above and totality of the facts and circumstances and considering the fact that the compromise will bring harmony in relations between the parties, this petition is allowed and the aforesaid FIR No. 10 dated 12.01.2016 (Annexure P-1) and all subsequent proceedings arising therefrom, qua the petitioners is quashed, subject to payment of costs of ₹10,000/-, out of which ₹6,000/- shall be deposited with the Punjab State Legal Services Authority and ₹4,000/- with the Bar Council of Punjab and

Haryana, within two weeks from today, failing which this petition shall be deemed to be dismissed.

7. List on 05.09.2018 for production of receipts regarding deposit of costs.

July 24, 2018
rishu

(RAMENDRA JAIN)
JUDGE

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