

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-430 of 2019

Date of Decision: 11.03.2019

Dilbag Singh

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Chirag Girdhar, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

Ms. Kanika Saini, Advocate for
Mr. Piyush Setia, 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 FIR No.109 dated 18.10.2018 under Sections 354/354-A/354-C/354-D IPC registered at Police Station Bariwala, District Sri Muktsar Sahib on the basis of compromise dated 17.12.2018 (Annexure P-2).

This Court vide order dated 09.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/trial Court was directed to submit its report regarding the genuineness of the compromise so effected between the parties.

Pursuant to the aforesaid order, the parties have appeared before Judicial Magistrate Ist Class, Sri Muktsar Sahib and got their statements recorded. Learned Magistrate has forwarded his report dated 22.02.2019 to the effect that the parties have compromised the matter with their free will and consent.

In her statement dated 30.01.2019, respondent no.2-complainant has deposed as under:-

“Stated that an FIR No.109 dated 18.10.2018 under Sections 354, 354-A, 354-C, 354-D IPC, Police Station Bariwala was registered on my statement against Dilbagh Singh. Now, with the intervention of village Panchayat and respectable persons, a compromise has been arrived at, wherein we have amicably settled our dispute in order to maintain peace and harmony between us and for our welfare in future. The present compromise has been effected with the intervention of the respectable persons to live peacefully in future and to avoid further litigation in future with our free will and the same is voluntarily and without any pressure or coercion in any manner. I have no objection, if the present FIR is quashed and if, the above said accused is acquitted in the present FIR. I have placed on record copy of my Adhar Card.”

Learned State counsel as well as learned counsel for respondent no.2 have not disputed the factum of compromise 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.109 dated 18.10.2018 under Sections 354/354-A/354-C/354-D IPC registered at Police Station Bariwala, District Sri Muktsar Sahib are quashed *qua* the petitioner on the basis of compromise dated 17.12.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/-, to be deposited with the Poor Patients' Welfare Fund of the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh within one month from today.

March 11, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No