

293.

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

CRM-M-2616-2019

Date of decision: 20.11.2019

BALWINDER SINGH @ BINDER AND ORS

... Petitioners

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Tushar Gupta, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

Mr. Zubin Chhura, Advocate,
for respondents No.2 to 7.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.41 dated 20.03.2017 registered under Sections 452, 323, 506, 427, 148, 149 of IPC (Section 325 IPC added lateron) at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 23.11.2018 (Annexure P-3).

This Court vide order dated 21.01.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.08.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure or coercion.

Respondent No.7-complainant, namely, Paramjit Singh has made his statement with regard to compromise before learned Magistrate on 31.07.2019. The same is reproduced as under:-

“Stated FIR No.41 dated 20.03.2017 u/s. 452, 323, 506, 427, 148, 149 & 326 IPC at Police Station, Majitha has been registered on my statement against Balwinder Singh @ Binder, Rinku, Jagjit Singh @ Rinka, Malkiat Singh @ Kakka, Mangal Masih @ Mangat Masih @ Manga, Ranjit Masih @ Ranjit Singh @ Kakka all rr/o Ward No.1 Roori, Majitha, Distt. Amritsar and now compromise has been effected with them out of my free will and consent and without any pressure, threat, coercion or undue influence. My compromise with abovesaid accused is genuine and voluntary one. Photo copy of my Aadhar card is attached as mark A.”

Learned State counsel as well as learned counsel for respondents No.2 to 7 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and***

another 2007 (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and F.I.R. No.41 dated 20.03.2017 registered under Sections 452, 323, 506, 427, 148, 149 of IPC (Section 325 IPC added lateron) at Police Station Majitha, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 23.11.2018 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

20.11.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No