

282.

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

CRM-M-3557-2019

Date of decision:13.08.2019

RAJINDER KAUR @ RAJU AND ORS

... Petitioners

versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.128 dated 29.10.2018 registered under Sections 363, 366-A, 120-B of IPC at Police Station Arniwala, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 07.01.2019 (Annexure P-2) and affidavits of respondents No.2 and 3 dated 03.12.2018 and 07.01.2019 (Annexures P-3 & P-4 respectively).

This Court vide order dated 25.01.2019 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, Fazilka and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.03.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Gurdeep Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 01.03.2019. The same is reproduced as under:-

“I had lodged one FIR No.128,dated 29.10.2018 under section 363/366-A/120-B of IPC, PS Arniwala against the accused Sukhpreet Singh (minor) S/o Balwinder Singh, Balwinder Singh S/o Jagpal Singh @ Jaspal Singh, Rajinder Kaur @ Raju W/o Balwinder Singh, Sonia Rani (minor) D/o Balwinder Singh R/o Village Jhottianwali and Lovepreet Singh S/o Jagroop Singh R/o Ghattianwali Jattan, Tehsil & District Fazilka. Now with the intervention of the respectables, the matter has been compromised between us. Now I have no grudge against the above-mentioned accused and I have no objection if the present FIR be quashed against the accused. I am giving the present statement out of my own free will and consent without any pressure, coercion from any side. A written compromise deed as well as affidavits have been executed in this regard, original of the same have already been filed in the Hon'ble High Court and photocopy of the same are Ex.P1 to Ex.P3 and I identify my signature over the same.”

Apart from above, a similar statement has been made by respondent No.3, namely, Veerpal Kaur, who is the mother of the victim, whereby she has shown no objection to the FIR being quashed.

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.128 dated 29.10.2018 registered under Sections 363, 366-A, 120-B of IPC at Police Station Arniwala, District Fazilka (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 07.01.2019 (Annexure P-2) and affidavits of respondents No.2 and 3 dated 03.12.2018 and 07.01.2019 (Annexures P-3 & P-4 respectively).

(HARI PAL VERMA)
JUDGE

13.08.2019
sanjeev

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