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

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Date of decision:12.07.2019

Suraj Kumar and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

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

None for respondents No.2 to 6.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.153 dated 17.08.2014 registered under Sections 452, 354, 295-A,323, 341, 506, 148, 149 and 120-B of IPC at Police Station Basti Bawa Khel, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.01.2019 (Annexure P-2).

This Court vide order dated 30.01.2019 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

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learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. Complainant Manjinder Singh had also tendered affidavit Ex.C5 on behalf of respondents no.5 and 6 regarding no objection if the impugned FIR is quashed. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.02.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Manjinder Singh but no prejudice would be caused to him as he has already made a joint statement along with respondents No.3 and 6 with regard to compromise before learned Magistrate on 25.02.2019. The same is reproduced as under:-

“Stated that one criminal case vide FIR No.153, dated 17.08.2014 under Sections 452, 354, 295-A, 323, 341, 506, 148, 149 and 120-B IPC, PS Basti Bawa Khel Jalandhar has been got registered against Suraj Kumar son of Balwinder Kumar r/o H.No.8, Kamal Vihar, Basti Peer Dad PS Basti Bawa Khel, Jalandhar, Jatinder Kumar @ Kundu s/o Mangat Ram r/o H.No.10, Kamal Vihar, Basti Peer Dad PS Basti Bawa Khel, Jalandhar, Vikramjit @ Vicky s/o Khazan Chand r/o Bhargo Camp near Swarbey Da Dhabba, Jalandhar, Rajinder Kumar s/o Mangal Dev r/o B-2-461 Gandhi Camp, Jalandhar, and Jaswinder Singh @ Titu s/o Mangat Ram, r/o H.No.10, Kamal Vihar, Basti Peer Dad PS Basti Bawa Khel, Jalandhar on the statement of Manjinder Singh s/o Ganga Singh. That Harjanmeet Singh @ Arjan Singh and Harmandeep Singh both Ss/o Manjinder Singh r/o H.No.44, Green Avenue Basti Peer Dad, Jalandhar, who are also party in writ petition no. CRM-M-4392 of 2019 are now at abroad i.e Canada but however, their father Manjinder Singh tender affidavit on their behalf,

same is Ex.C5 that they have got no objection if the abovesaid FIR be quashed on the basis of compromise Ex.C1 as the said compromise is without any coercion, pressure from any corner and compromise is with our free will and consent. Charge sheet has been presented in the above said FIR. There are total 5 accused arrayed in the abovesaid FIR and no accused has been declared as proclaimed offender. In the meantime with the intervention of the respectable persons of the society, the matter in dispute has been compromised between them and all five accused. Compromise deed Ex.C1 is correct and true and duly bears the signatures of Manjinder Singh and all accused. On the strength of the said compromise accused have preferred petition under Section 482 Cr.PC, before Hon'ble the High Court. As such, the Hon'ble High Court directed us to record our statement before this Hon'ble Court vide order dated 30.01.2019. I agreed with the accused due to compromise Ex.C1. The compromise has been effected with our free will, sound disposing mind and without any coercion. We have no objection if the above-said FIR be quashed on account of compromise. Copy of our self attested ID Card i.e Aadhar Card are Ex.C2 to Ex.C4.”

Learned State counsel has 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 FIR.

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.153 dated 17.08.2014

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registered under Sections 452, 354, 295-A, 323, 341, 506, 148, 149 and 120-B of IPC at Police Station Basti Bawa Khel, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 07.01.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.07.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No