

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-7299-2019

Date of Decision:26.09.2019

Sukhwinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Ripudaman Singh Sidhu, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sushil Sharma, 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.91 dated 07.05.2018 under Sections 306, 120-B IPC, registered at Police Station City Kharar, District SAS Nagar (Mohali) (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise/affidavit dated 05.10.2018 (Annexure P-2).

This Court vide order dated 29.05.2019 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional District & Sessions Judge, SAS Nagar, Mohali and got their statements recorded. On the basis of the statements so recorded,

learned Additional District & Sessions Judge has submitted report dated

19.08.2019 to the effect that the compromise has been effected voluntarily.

Respondent No.2-complainant, namely, Gurjeet Kaur, has made a statement with regard to compromise before learned Additional District & Sessions Judge on 05.07.2019. The same is reproduced as under:-

“Stated that the accused Sukhwinder Singh, Kuldeep Singh sons of Gurnam Singh, Surinder Kaur wife of Sukhwinder Singh, Amandeep Singh son of Sukhwinder Singh, Manjit Kaur wife of Kuldeep Singh, who are accused in this case are closely related to me. Sukhwinder Singh and Kuldeep Singh are my real brothers. Surinder Kaur and Manjit Kaur are their wives respectively. Amandeep Singh is son of Sukhwinder Singh. I had compromised voluntarily with all the accused without any pressure or coercion or undue influence, in the above mentioned case and I had already given my affidavit to this effect. The affidavit had already been filed along with the petition in the Hon'ble High Court. I have no objection if the accused persons are discharged. Photocopy of the above said affidavit is Ex.CX.”

Learned counsel for the petitioners states that apart from the fact that the complainant is none else but real sister of the petitioners and it is the petitioners who have taken the deceased to the hospital. He further states that the matter has been compromised between the parties and the complainant-respondent No.2-Gurjeet Kaur has furnished an affidavit (Annexure P-2) in this regard.

Considering the fact that the complainant-respondent No.2-Gurjeet Kaur has suffered the statement in support of the compromise, having recourse to the judgment passed by the Hon'ble Apex Court in **Rajesh Versus State of Haryana**, in Criminal Appeal No.93 of 2019 (arising out of SLP (Crl) No.8667 of 2016) dated 18.01.2019, this Court

finds that it is the petitioners who have taken the deceased to the hospital

and the deceased had not suffered any statement against them, coupled with the fact that the matter has been compromised between the parties, the present FIR registered against them deserves to be quashed.

Learned State counsel as well as learned counsel for respondent No.2 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.

Thus, 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*, as 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 FIR No.91 dated 07.05.2018 under Sections 306, 120-B IPC, registered at Police Station City Kharar, District SAS Nagar (Mohali)(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise/affidavit dated 05.10.2018 (Annexure P-2).

September 26, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No