

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

328

CRM-M-14350-2018

Date of Decision:26.08.2019

Rajbir Singh @ Raju and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

None for complainant-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.142 dated 25.8.2017 (Annexure P-1) under Section 306 IPC, registered at Police Station City Patti, District Tarn Taran and all the consequential proceedings arising therefrom on the basis of the compromise dated 11.01.2018 (Annexure P-2).

Learned State counsel, on instructions from HC Sukhwinder Singh, submits that challan has not been presented in the case though FIR was registered on 25.8.2017.

This Court vide order dated 23.05.2018 had directed the parties to appear before the Duty Magistrate/CJM to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Tarn Taran and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.07.2018 to the effect that the compromise arrived at between the parties is voluntary and genuine.

Though no one is present on behalf of respondent No.2-complainant Pritpal Singh, in Court today, but no prejudice would be caused to him as he has already made a statement with regard to compromise before the learned Magistrate on 6.7.2018. The same is reproduced as under:-

“I have compromised the matter in dispute without any undue pressure or influence with the intervention of Panchayat. I have no objection if the FIR is quashed.”

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 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.142 dated 25.8.2017 (Annexure P-1) under Section 306 IPC, registered at Police Station City Patti, District Tarn Taran and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of the compromise dated 11.01.2018 (Annexure P-2).

August 26, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No