

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

295

CRM-M-9449-2019

Date of Decision:24.05.2019

Malkit Singh alias Bantu

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: None for the petitioner.

Mr. Jagmohan Ghumman, D.A.G., Punjab,  
for respondent No.1.

None for respondent Nos.2 and 3.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.43 dated 19.05.2018 under Sections 354, 452, 506 IPC, Police Station Cheema, District Sangrur (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of affidavit dated 15.02.2019 (Annexure P-2).

This Court vide order dated 28.02.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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 Sub Divisional Judicial Magistrate, Sunam and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.04.2019 to the effect that the compromise has been effected between the parties without any pressure, coercion and undue influence and the same is genuine one.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Manjit Kaur as well as respondent No.3-Simranjit Kaur, but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 01.04.2019. The same is reproduced as under:-

*“Stated that present FIR No.43 dated 19.05.2018, u/s 354, 452, 506 IPC, PS, Cheema was registered on the statement of Manjeet Kaur against accused Malkit Singh son of Gurcharan Singh. We have compromised with the accused. The compromise is voluntarily with free consent and without any threat, coercion, undue influence and fear. No accused is PO in the present case. We have no objection if the present 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.

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 FIR No.43 dated 19.05.2018 under Sections 354, 452, 506 IPC, Police Station Cheema, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby

quashed qua the petitioners on the basis of affidavit dated 15.02.2019

(Annexure P-2), subject to payment of costs of ₹5,000/- to be paid by the petitioner, within a period of one month from today with the Punjab Legal Services Authority. He shall produce a receipt with the Registry.

May 24, 2019  
seema

(HARI PAL VERMA)  
JUDGE

Whether speaking/reasoned: Yes/No  
Whether Reportable: Yes/No