

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

267

CRM-M-14134-2019

Date of Decision:08.07.2019

Harnek Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

**Present: Mr. Gagandeep Singh Manku, Advocate,
for the petitioners.**

Mr. Sukhbeer Singh, AAG, Punjab.

**Mr. Onkar Rai, Advocate,
for respondent Nos.2 and 3.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.71 dated 15.11.2018 under Sections 363, 366-A, 120-B IPC, registered at Police Station Dhilwan, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.02.2019 (Annexure P-2).

This Court vide order dated 28.03.2019 had directed the parties to appear before the Illaqa Magistrate 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, a report dated 23.05.2019 has been received from learned Judicial Magistrate 1st Class, Kapurthala. In the

report, it has been pointed out that petitioner No.2-Kulwinder Singh has

been declared proclaimed offender in the case.

Faced with the situation, learned counsel for the petitioners does not press the present petition qua petitioner No.2-Kulwinder Singh and restricted his prayer for quashing of FIR qua petitioner No.1-Harnek Singh and petitioner No.3-Manjit Kaur.

Pursuant to the order 28.03.2019, parties have appeared before learned Judicial Magistrate 1st Class, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.05.2019 to the effect that the parties have entered into compromise voluntarily & without any threat, coercion or pressure and their compromise is genuine one.

Respondent No.2-complainant, namely, Kulwinder Singh has made a statement with regard to compromise before learned Magistrate on 02.05.2019. The same is reproduced as under:-

“ That I have compromised in FIR No.71 dated 15.11.2018 under Section 363/366-A.120-B, P.S. Dhilwan, District Kapurthala, I have compromised matter with the accused namely Harnek Singh, Kulwinder Singh and Manjit Kaur, all resident of Village Mand Sangojla, Tehsil Dhilwan, District Kapurthala with the intervention of respectables and Panchayat members. The correct photocopy of my Adhar Card is Ex.C1. The matter in dispute has been compromised amicably with the intervention of respectables of Village between me & all accused. I have compromised the matter voluntarily, willingly, with my own free will and without any coercion or undue influence.”

Apart from above, a similar statement has also been made by respondent No.3-Harpreet Kaur, the victim who has been allegedly kidnapped, whereby she has shown no objection to the present FIR being

quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 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.

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.71 dated 15.11.2018 under Sections 363, 366-A, 120-B IPC, registered at Police Station Dhilwan, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua petitioner Nos.1 and 3 only on the basis of compromise dated 21.02.2019 (Annexure P-2).

July 08, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No