

276.

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

CRM-M-35263-2018

Date of decision: 14.01.2019

SUKHDEV SINGH @ SUKHJIT SINGH

...Petitioner.

Versus

STATE OF PUNJAB AND ORS

...Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Ravi Malhotra, Advocate,
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

Mr.Ashish Bakshi, Advocate, for
Mr. Naveen Upadhyay, 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 F.I.R. No.59 dated 29.03.2018 registered under 354/506/148 IPC at Police Station Shahkot, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.04.2018 (Annexure P-2).

This Court vide order dated 12.11.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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 learned Judicial Magistrate Ist Class, Nakodar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.12.2018 to the effect that the compromise appears to be genuine one and the same has been effected between the parties with their free will, without any pressure or coercion.

Respondent No.2-complainant, namely, Gurmukh Singh as well as respondent No.3 Karamjit Kaur have made a joint statement with regard to compromise before learned Magistrate on 10.12.2018. The same is reproduced as under:-

“We have compromised with accused party in the above mentioned case in the presence of respectable persons of both the parties. The compromise is voluntarily, without any inducement, threat, pressure or coercion. Now there is no grudge against the accused party. We do not want to take any action against the accused in the present case. We have got no objection, if the present FIR against the accused Sukhdev Singh @ Sukhjit Singh resident of Billi Chao, Khanpur, Dhadde, Shahkot, District Jalandhar is quashed by the Hon’ble High Court of Punjab and Haryana at Chandigarh. The present compromise has been effected with the free consent and without any pressure.”

Learned State counsel as well as learned counsel appearing on behalf of 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.

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.59 dated 29.03.2018 registered under 354/506/148 IPC at Police Station Shahkot, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 20.09.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.5,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within 15 days from today.

(HARI PAL VERMA)
JUDGE

14.01.2019

sanjeev

Whether speaking/reasoned Yes/No.

Whether Reportable: Yes/No.