

294.

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

CRM-M-18775-2019

Date of decision: 13.08.2019

GURMEJ SINGH AND OTHERS

... Petitioners

versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J. *(Oral)*

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.0027 dated 21.03.2019 registered under Sections 354-A, 354-B, 326, 324, 323, 341, 148, 149 of IPC at Police Station Fatehgarh Churian, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.04.2019 (Annexure P-2).

This Court vide order dated 26.04.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.06.2019 to the effect that the compromise is

genuine and has been effected between the parties without any pressure or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Baljit Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 10.05.2019. The same is reproduced as under:-

“Stated that the present case FIR No.27 dated 21.03.2019 under section 354-A, 354-B, 326, 324, 323, 341, 148, 149 of IPC, P.S. Fatehgarh Churian, Batala was registered on my statement at Police Station Fatehgarh Churian, Batala. The matter has been compromised with the accused party with the intervention of respectable of the locality. We are living peacefully and we have no grudge against each other and we do not want to proceed against Gurmej Singh son of Dheer Singh, Anoop Singh son of Dheer Singh, Tarsem Singh son of Anoop Singh, Kulwinder Singh son of Dheer Singh, Harpreet Singh son of Tej Parkash Singh and Sukhpreet Singh son of Kulwinder Singh, all residents of village Lala Nangal, Tehsil Batala, District Gurdaspur. No other case is pending between us except the present case/FIR. The total 6 accused persons are arrayed in the FIR. No accused persons are absconding/P.O. in this case. I have suffered this statement without any coercion, pressure or undue influence and with our own free will. I have no objection if the present FIR be quashed. Copy of my Aadhar Card is Ex.P1 ”

Apart from above, similar statement has been made by respondent No.3-Gurbhej Singh whereby he has shown no objection in case the FIR in question is quashed.

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.0027 dated 21.03.2019 registered under Sections 354-A, 354-B, 326, 324, 323, 341, 148, 149 of IPC at Police Station Fatehgarh Churian, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.04.2019 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

13.08.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No