

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

CRM-M-20230 of 2019.

Decided on:- December 04, 2019.

Sewak Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Amandeep Chhabra, Advocate
for the petitioners.

Mr. Saurav Khurana, D.A.G., Punjab.

Ms. Lakshaya, 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 FIR No.179 dated 29.11.2017 under Sections 452, 354-D, 323, 506 and 149 IPC registered at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed (Annexure P-2).

This Court vide order dated 03.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners and respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Malout, District Sri Muktsar Sahib and got their statements recorded in support of the compromise on 28.05.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 01.06.2019 to the effect that the statements made by the parties are voluntarily and their compromise has been arrived at genuine, without any coercion and without any pressure and without undue influence.

Since petitioner No.5-accused Sandeep Singh was juvenile, separate proceedings were initiated against him before learned Principal Magistrate, Juvenile Justice Board, Sri Muktsar Sahib. The parties have also appeared before learned Principal Magistrate, Juvenile Justice Board and got their statements recorded on 29.05.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted report dated 14.06.2019 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence. Judicial Magistrate 1st Class-cum-Principal Magistrate, Juvenile Justice Board, Sri Muktsar Sahib

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Balwinder Singh. He has already made a statement in support of compromise before learned Judicial Magistrate 1st Class, Malout, District Sri Muktsar Sahib on 28.05.2019, which reads as under:

“It is stated that the present FIR has been registered on the basis of my statement against the accused person namely Sewak Singh, Ravinder Singh, Bhupinder Singh, Kamaljeet Singh and Sandeep Singh (Juvenile). I have arrived at a compromise in

this matter with the accused person with the intervention of the village Panchayat. The matter has been amicably sorted out between me and the accused person. I have no grudge with the accused person. The compromise has been arrived at voluntarily without any pressure, coercion, with the other party and with my own sweet will. Five accused person namely Sewak Singh, Ravinder Singh, Bhupinder Singh, Kamaljeet Singh and Sandeep Singh (Juvenile) involved in this present case and no other person involved in this present case but one of the accused namely Sandeep Singh was Juvenile in the present case and the separate proceedings of the said accused was pending in the Juvenile Court. No accused person has been declared proclaimed offender in the present case. I do not want to proceed with the present case and I have no objection if the present case FIR and other proceedings are quashed against the accused person.”

Learned counsel for the petitioners states that though the other injured have not been arrayed as respondents in the present petition, but their statements have been recorded by the trial Court. In this manner, the matter has been compromised between the parties.

State counsel and learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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*** and approved by the

Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, the present petition is allowed and the FIR No.179 dated 29.11.2017 under Sections 452, 354-D, 323, 506 and 149 IPC registered at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed (Annexure P-2), however, subject to payment of total costs of Rs.5,000/- to the Bar Association of this Court, which shall be paid by the petitioners within a period of one month from today.

December 04, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No