

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

CRM-M-43277 of 2017.

Decided on:- January 17, 2019.

Puran Singh alias Punna and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Shivender Pal Singh, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab.

Mr. L.S. Sekhon, 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 the FIR No.69 dated 04.07.2017 under Sections 379-B, 452, 427, 354, 506, 148 and 149 IPC registered at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 22.10.2018 had directed the parties to appear before the trial Court/Illaq Magistrate 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 as well as respondent No.2-complainant have appeared before learned Judicial Magistrate 1st Class, Moga and got their statements recorded on 17.11.2018.

On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 03.12.2018 to the effect that the compromise arrived at between the parties apparently appears to be genuine, voluntarily and out of free will of the parties, without there being any sort of pressure or coercion from any corner.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Parkash Kaur. Her statement in support of the compromise made before learned Magistrate on 17.11.2018 reads as under:

“I am the complainant and on my instance, FIR No.69 dated 04.07.2017 under Section 379-B/452/354/427/506/148/149 IPC Police Station Fatehgarh Panjtoor, District Moga against Puran Singh @ Punna son of Fanda Singh, Salinder Singh son of Pura Singh, Neela son of Kali, Shinder Singh son of Nama, Govinda son of Gurdeep Singh, Nima @ Manjinder Singh son of Roop Singh, Dial Singh @ Bhandu son of Mom, Rachhpal Singh son of Mom, Amna son of Resham Singh, Lekhi son of Karna Singh, Harbhajan Singh @ Parra son of Surain Singh, Satta Singh son of Harbhajan Singh @ Parra and Jassa Singh son of Satta Singh all residents of village Daulewala District Moga. Now with the intervention of respectables and relatives compromise has been effected between the parties. The compromise has been effected for the betterment of the parties. I have brought my original Adhar Card bearing No.348401068512 in the Court. Photocopy of the same duly thumb marked by me and the photocopy of the same is Mark I.”

Learned State counsel and learned counsel for respondent No.2 have not disputed the factum of compromise effected 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.69 dated 04.07.2017 under Sections 379-B, 452, 427, 354, 506, 148 and 149 IPC registered at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

However, considering the nature of allegations levelled by the complainant and the matter having been compromised, both the parties are burdened with the costs of Rs.20,000/- (i.e. Rs.10,000/- by the petitioners and Rs.10,000/- by respondent No.2-complainant) to be paid to the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh within a period of one month from today.

January 17, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No