

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

351

CRM-M-21929-2019

Date of Decision:26.08.2019

Billu and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Liaqat Ali, Advocate,
for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab,
for respondent No.1.

Mr. Rajesh Kumar, Advocate for
Ms. Sajida Akhtar, 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.37 dated 18.06.2016 under Sections 363, 366-A, 34 IPC, registered at Police Station Verowal, District Tarn Taran (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 22.04.2019 (Annexure P-2).

Learned counsel for the petitioners states that since statements of petitioner Nos.1 and 4 could not be recorded, he be permitted to withdraw the present petition qua them. Accordingly, the present petition is confined for quashing of FIR on the basis of compromise qua petitioner Nos.2, 3, 5 and 6 only.

This Court vide order dated 14.05.2019 had directed the parties to appear before the Illaqa Magistrate/trial Court 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, parties have appeared before learned Sub Division Judicial Magistrate, Khadur Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.07.2019 to the effect that the compromise arrived at between the parties is genuine, voluntarily, without any coercion or undue influence with their free will.

Respondent No.2-complainant, namely, Baggo, has made a statement with regard to compromise before learned Magistrate on 10.07.2019. The same is reproduced as under:-

“Stated that I have compromised the matter with the petitioners/accused Billu s/o Safi r/o Tarmai Tehsil and Distt. Pathankot, Mohd. Saleem s/o Bali Mohd, R/o Garh Samnabanj, Ghar Sawanabanj, Udampur, Garh Samnabanj, Jammu and Kashmir nor at present of village Ekalgarha (Ekalgadda) Tehsil Khadur Sahib Distt. Tarn Taran, Sadiq @ Shahdeen @ Karam Deen @ Lal Deen r/o Marara, Marara, Gurdaspur now at present of village Keeri, Tehsil Batala Distt. Gurdaspur, Sher Ali @ Shera s/o Bami @ Goni r/o of village Shanji Moad Mandeer Distt. Kathua, Jammu and Kashmir now at present of village Jagah Sukhwant Singh Wali village Ekalgarha (Ekalgadda) Tehsil Khadur Sahib Distt. Tarn Taran, Booba @ Abdul Majeed s/o Baliya Mohd. R/o of village Garh Samna Banj, Ramkot, Kathua, Jammu and Kashmir now at present village Ekargarha(Ekalgadda) Tehsil Khadur Sahib Distt Tarn Taran. Moju s/o Dulla r/o of village Shampura Tehsil Singhpura, Distt. Gurdaspur without any pressure and undue influence and with my own sweet will and voluntarily in FIR No.37 dated 18.06.2016 U/s 363, 366-A, 34 IPC, registered at

Police Station Verowal. I do not have any objection if the FIR bearing No.37 dated 18.06.2016 registered at police station Verowal be quashed. The copy of my Adhaar Card is Ex.P1. Photocopy of compromise Ex.R2. ”

Learned State counsel as well as learned counsel for 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 FIR No.37 dated 18.06.2016 under Sections 363, 366-A, 34 IPC, registered at Police Station Verowal, District Tarn Taran (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua petitioner Nos.2, 3, 5 and 6 only on the basis of compromise dated 22.04.2019 (Annexure P-2).

August 26, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No