

270.

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

CRM-M-52671-2018

Date of decision:07.02.2019.

DILBAGH SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gourav Goel, Advocate,
for the petitioners.

Mr.Rana Harjasdeep Singh, DAG, Punjab,
for respondent No.1.

Mr. Puneet Singla, 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.93 dated 23.03.2018 registered under Sections 354, 382, 323, 341, 34 and 506 of IPC at Police Station Sahnewal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 18.07.2018 (Annexure P-2).

This Court vide order dated 30.11.2018 had directed the parties to appear before the Illaqa 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, Ludhiana and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.01.2019 to the effect that the compromise is genuine and has been effected between the parties voluntarily.

Respondent No.2-complainant, namely, Balwinder Kaur has made her statement with regard to compromise before learned Magistrate on 07.01.2019. The same is reproduced as under:-

“The present case was registered by me against the accused namely Dilbagh Singh, Acchardeep Singh and Ravinder Singh. I have compromised the matter with the accused without any pressure or influence due to the intervention of the respectables from both the parties and to have peace and social harmony. A compromise has been duly reduced in writing between us which is already placed with the petition in the Honorable High Court and on the basis of the compromise accused have filed quashing petition bearing No.CRM-M-52671/2018 under section 482 Cr.P.C. before Hon'ble High Court for quashing present FIR on the basis of compromise with me and the same may be quashed. Photocopy of my Adhar Card is Ex.CD, and today I have recorded my statement as per the order date 30.11.2018 passed by the Honorable High Court in the above said quashing petition. I have no objection if the present FIR be quashed by the Honorable High Court.”

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**

Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.93 dated 23.03.2018 registered under Sections 354, 382, 323, 341, 34 and 506 of IPC at Police Station Sahnewal, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 18.07.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.15,000/- 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

07.02.2019
sanjeev

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