

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

270

CRM-M-24934-2019

Date of Decision:25.09.2019

Baghel Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Harvinder Singh Mann, Advocate,
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Ms. Arshpreet Kaur, Advocate for
Mr. G.S. Waraich, 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.48 dated 19.05.2019 under Sections 354, 34 IPC, registered at Police Station Bareta, District Mansa (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 24.05.2019(Annexure P-2).

This Court vide order dated 29.05.2019 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 1st Class, Bathinda and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.07.2019 to the effect that the parties have compromised the matter with their free will and without any pressure and influence and the same appears to be genuine, voluntarily and valid.

Respondent No.2-complainant, namely, Sukhwinder Kaur, has made a statement with regard to compromise before learned Magistrate on 24.07.2019. The same is reproduced as under:-

“Stated that I have got registered the present FIR No.48 dated 19.05.2019 under Sections 354/34 of IPC at Police Station Bareta against the accused namely Baghel Singh and Kewal Singh both sons of Karamjit Singh resident of Kishgarh Sedha Singh Wala. Now the matter has been compromised with the accused-petitioners with the intervention of the relatives and respectable persons. The compromise is genuine and I have entered into compromise without any pressure and out of my free will. I have no objection if the FIR is quashed by the Hon'ble Punjab and Haryana High Court, Chandigarh. None of the accused has been declared as proclaimed offender in the present case.”

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.48 dated 19.05.2019 under Sections 354, 34 IPC, registered at Police Station Bareta, District Mansa

(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 24.05.2019(Annexure P-2).

September 25, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No