

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

CRM-M-27771 of 2019.

Decided on:- October 03, 2019.

Satvir Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- None for the petitioners.

Mr. Sukhbeer Singh, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.9 dated 05.03.2019 under Sections 354 and 323 read with Section 34 IPC as well as Section 25 of the Arms Act, 1959 registered at Police Station Mahal Kalan, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit dated 04.04.2019 (Annexure P-2).

This Court vide order dated 03.07.2019 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 Jasvir Kaur have appeared before learned Chief Judicial Magistrate, Barnala and got their statements recorded on 07.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has

submitted the report dated 29.08.2019 to the effect that the compromise effected between the parties appears to be genuine, without any pressure and coercion or undue influence.

Learned State counsel has not disputed the factum of compromise.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Jasvir Kaur. Though no one has put in appearance on her behalf, but it would not cause any prejudice to her as she has already made a statement before learned Chief Judicial Magistrate, Barnala in support of the compromise. Her statement recorded by learned Magistrate on 07.08.2019 reads as under:

“Stated that I am complainant in this case. The present FIR No.9 dt. 05/03/2019 u/s 354, 323, 34 IPC 25/54/59 Arms Act PS Mehal Kalan, was registered on my application against accused/petitioners namely Satvir Singh, Harjit Singh @ Hita and Deep Singh. Now I have compromised with the accused/petitioners namely Satvir Singh, Harjit Singh @ Hita and Deep Singh. I have no objection if the above said FIR and all consequential proceedings arising therefrom against all the three accused/petitioners, including the present trial are quashed by the Hon’ble High Court of Punjab & Haryana in CRM no.3549 of 2019. The compromise referred is genuine voluntary and without any coercion or undue influence. The photocopy of compromise is Mark X.”

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.9 dated 05.03.2019 under Sections 354 and 323 read with Section 34 IPC as well as Section 25 of the Arms Act, 1959 registered at Police Station Mahal Kalan, District Barnala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioner on the basis of compromise by way of affidavit dated 04.04.2019 (Annexure P-2).

October 03, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No