

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

CRM-M-28734 of 2019.

Decided on:- October 17, 2019.

Gurpreet Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- None for the petitioners.

Mr. Saurav Khurana, D.A.G., Punjab.

None for respondents No.2 and 3.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.132 dated 18.05.2018 under Sections 323, 341, 506, 279, 325, 354, 148 and 149 IPC registered at Police Station Kotwali, Patiala, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/agreement dated 30.05.2019 (Annexure P-2).

This Court vide order dated 09.07.2019 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 as well as respondents No.2 and 3 have appeared before learned Chief Judicial

Magistrate, Patiala and got their statements recorded on 09.08.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 10.10.2019 to the effect that the compromise arrived at between the parties is genuine, voluntary and as a result of their own free will without any pressure, coercion or undue influence from any quarter.

Learned State counsel, on instructions from ASI Nirmal Singh, has not disputed the factum of compromise.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Jaspreet Singh. Though no one has appeared on his behalf, but it would not cause any prejudice to the complainant as he along with respondent No.3 Manpreet Kaur has already made a joint statement before learned Magistrate on 09.08.2019 in support of the compromise. The said joint statement of respondents No.2 and 3 made before learned Magistrate reads as under:

“Stated that we have compromised the matter with the accused namely Gurpreet Singh, Amandeep Singh @ Aman, Simarjit Singh, Tejinder Singh @ Gabbar, Balwant Singh @ Bhatti with the intervention of respectable persons and common friends in respect of FIR No.132 dated 18.5.2018, U/s 323/341/506/279/325/354/148/149 IPC P.S. Kotwali, Patiala voluntarily, without any coercion, threat or undue influence. The compromise has been effected with an aim to put an end to the ensuing rivalry. We have no objection if the present offences be quashed qua all the accused as we do not want to proceed further with the present case. Photocopy of the compromise deed dated 30.5.2019 is annexure A1. The photocopies of our Adhaar Cards are Ex.PA and Ex.PB respectively.”

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.132 dated 18.05.2018 under Sections 323, 341, 506, 279, 325, 354, 148 and 149 IPC registered at Police Station Kotwali, Patiala, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/agreement dated 30.05.2019 (Annexure P-2).

October 17, 2019

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No