

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

CRM-M-57285 of 2018.

Decided on:- February 28, 2019.

Gurcharan Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Ms. Sukhveer Kaur, Advocate for
Mr. R.K. Arya, Advocate
for the petitioners.

Mr. Rana Harjasdeep Singh, Dy. Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.77 dated 20.11.2018 under Sections 324, 323, 452, 354-B, 148 and 149 IPC registered at Police Station Kahnuwan, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed (Annexure P-2).

This Court vide order dated 19.12.2018 had directed the parties to appear before the Illaqa Magistrate 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 respondent No.2-complainant and respondents No.3 and 4-injured have appeared before learned Judicial Magistrate 1st Class, Gurdaspur and got their

statements recorded on 16.01.2019. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 04.02.2019 to the effect that the parties have entered into the compromise without any pressure.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Sukhjinder Singh. Though nobody has appeared on behalf of respondents No.2 to 4 in Court today, but it would not prejudice their interest in any manner, as they have already made their statements before learned Magistrate in support of the compromise. The statement of respondent No.2-complainant recorded before learned Magistrate on 16.01.2019 reads as under:

“Stated that with the intervention of respectable I have compromised with the accused namely Gurcharan Singh s/o Atma Singh @ Charanjit Singh, Kulwinder Singh s/o Balwant Singh, Kamaljeet Kaur w/o Gurcharan Singh @ Jeeti, Manpreet Singh s/o Surjeet Singh, Balwant Singh s/o Atma Singh @ Balwant Singh, Sarnjit Kaur @ Sarbjit Kaur w/o Surjit Singh and Surjit Singh s/o Atma Singh @ Surjit Singh all residents of village Chhourian Banger Tehsil and District Gurdaspur in respect of case FIR No.77 of 20.11.2018, which was got registered by me against accused at Police Station Kahnuwan, District Gurdaspur. The petition for quashing of present FIR has been filed by accused in the Hon’ble Punjab and Haryana High Court at Chandigarh and vide order dated 19.12.2018 of CRM-M No.57285 of 2018, the parties have been directed to record statements before this learned Court. The compromise has been effected by me without any pressure, coercion and undue influence and I have compromised with my own sweet will.”

Similar statements have been made by respondents No.3 and 4-injured Manjinder Singh and Arvinder Kaur before learned Magistrate on 16.01.2019.

Learned State counsel has not disputed the factum of compromise effected between the parties.

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.77 dated 20.11.2018 under Sections 324, 323, 452, 354-B, 148 and 149 IPC registered at Police Station Kahnuwan, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed (Annexure P-2).

February 28, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No