

284-A

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

CRM-M-64406-2018

Date of decision:23.05.2019

GURJANT SINGH AND ORS.

... Petitioners

versus

STATE OF PUNJAB AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioners.

Mr. Jagmohan Ghumman, DAG, Punjab,
for respondent No.1.

None 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.55 dated 31.08.2018 registered under Sections 324, 323, 354, 506, 509, 148, 149 of IPC at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.09.2018 (Annexure P-2).

This Court vide order dated 07.01.2019 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 Ist Class, Moga and got their statements

submitted report dated 07.02.2019 to the effect that the compromise appears to be genuine and has been effected between the parties voluntarily, out of their free will and without there being any sort of pressure or coercion from any corner.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jatinder Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 28.01.2019. The same is reproduced as under:-

“I am the complainant and on my instance, FIR No.55 dated 31.08.2018 under Sections 324, 323, 354, 506, 509, 148, 149 IPC was registered at Police Station Fatehgarh Panjtoor against accused Gurjant Singh son of Jasvir Singh, Jaswant Singh son of Iqbal Singh, Iqbal Siingh son of Uttam Singh, Manjit Singh son of Surjit Singh, Mukhtiar Singh son of Dhanna Singh, Gurjeet Singh son of Mukhtiar Singh, Jagdeep Singh son of Mukhtiar Singh all residents of Ward No.6 Fatehgarh Panjtoor, District Moga. But now I have reached to a compromise with the above said accused persons, with the intervention of respectable of the locality and relatives. I have reached to a compromise out of my own free will and without any pressure, greed or coercion. I do not want to pursue the present case in future. I have no objection in case the present FIR and subsequent proceedings will be quashed in view of compromise already effected between us. Today I have brought my original Aadhar Card bearing No.8607 4747 8156. Attested photocopy of the same duly signed by me and the same is Mark A.”

Learned State counsel has not disputed the factum of

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.

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 F.I.R. No.55 dated 31.08.2018 registered under Sections 324, 323, 354, 506, 509, 148, 149 of IPC at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 05.09.2018 (Annexure P-2), however, that would be subject to payment of costs of Rs.10,000/- to be deposited with the Poor Patients' Welfare Fund of the Postgraduate Institute of Medical Education and Research (PGIMER), Chandigarh, within one month from today.

(HARI PAL VERMA)
JUDGE

23.05.2019
sanjeev

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