

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269

CRM-M-23790-2019

Date of Decision:31.01.2020

Gurdev Singh @ Shanty and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Vaibhav Narang, Advocate,
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Karanjeet Singh Brar, 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.276 dated 21.12.2018 under Sections 323, 341, 354, 149 IPC, registered at Police Station Sadar, District Ludhiana (Annexure P-2) and all the consequential proceedings arising therefrom on the basis of compromise dated 12.04.2019 (Annexure P-1).

This Court vide order dated 13.09.2019 had directed the parties to appear before the trial Court/Illaq Magistrate 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, Ludhiana and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 16.01.2020 to the effect that the compromise is genuine, voluntarily and without any coercion or undue influence.

Respondent No.2-complainant, namely, Jaswant Kaur, has made a statement with regard to compromise before learned Magistrate on 31.10.2019. The same is reproduced as under:-

“Stated that I entered into the compromise with accused Gurdev Singh @ Shanty S/o Roshan Singh and Gabbar Singh @ Onkar Singh S/o Roshan Singh both resident of R/o H.No.76 street No.3, Tej Nagar, Amritsar. The copy of my Aadhar card is Ex.P3. I entered into the compromise with my own free will and consent and without there being any kind of threat, pressure or coercion with my free will. I have no objection if the present FIR quashed against all the accused.”

Learned State counsel as well as 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.

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***, as 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.276 dated 21.12.2018 under Sections 323, 341, 354, 149 IPC, registered at Police Station Sadar, District Ludhiana (Annexure P-2) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 12.04.2019(Annexure P-1), subject to payment of costs of ₹10,000/- to be deposited by the petitioners within a period of

one month from today with the Poor Patients' Welfare Fund of the **Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh.**

January 31, 2020
seema

(HARI PAL VERMA)
JUDGE

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