

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-28616 of 2019

Date of Decision: 13.03.2020

Gursewak Singh & others

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. Hakam Singh, Advocate
for the petitioners.

Ms. Ruchika Sabharwal, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.288 dated 09.12.2018 under Sections 363, 366-A, 120-B IPC registered at City Faridkot, District Faridkot (Annexure P-1) and subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

This Court vide order 08.07.2019 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise so arrived and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so

Pursuant to the aforesaid order, the parties have appeared before the Chief Judicial Magistrate, Faridkot and got their statements recorded. Learned Magistrate has forwarded his report dated 19.08.2019 to the effect that the compromise arrived at between the parties is genuine and voluntary and the same is not the result of any pressure, coercion or undue influence.

The statement of the complainant-Satwinder Kaur recorded on 14.08.2019 reads as under:-

“Stated that present FIR was got registered by me against the accused Gursewak Singh, Amandeep Singh alias Lattu, Vishal alias Cheeni, Jashanpreet Singh and Sandeep Kaur alias Soni. Now, with the intervention of the respectables of the society, compromise has been effected between me and the petitioners/accused. Compromise effected between me and the petitioners/accused is genuine, voluntary and without any pressure or coercion. I have no objection if the present FIR qua all the petitioners/accused as well as all the proceedings arising out of it against them are quashed. Photocopy of my Aadhaar card is Exh.C1.”

Learned State counsel does not dispute the factum of compromise effected between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties and no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1352 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and**

others, (2013)13 SCC 303, this petition is allowed and FIR No.288 dated 09.12.2018 under Sections 363, 366-A, 120-B IPC registered at City Faridkot, District Faridkot (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioners, on the basis of compromise (Annexure P-2).

March 13, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No`