

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

278

CRM-M-36567-2019

Date of Decision:14.01.2020

Gurbaj Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Ms. Nisha, Advocate for
Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab,
for respondent No.1.

Mr. Kulwinder Singh, Advocate for
Mr. M.S. Bhatti, Advocate,
for respondent Nos.2 to 4.

HARI PAL VERMA , J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0313 dated 28.09.2018 under Sections 323, 341, 452, 354, 506, 148, 149 IPC, registered at Police Station City Rajpura, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.03.2019 (Annexure P-2).

Learned counsel for respondent Nos.2 to 4 submits that respondent No.2-Nishan Singh is complainant in the case and since he is not residing in India, statement on his behalf has been recorded by Nirmal Singh, who is holding power of attorney of Nishan Singh. Power of

with the report of the trial Court.

This Court vide order dated September 02, 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 Sub-Divisional Judicial Magistrate, Rajpura and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.11.2019 to the effect that the parties have arrived at compromise with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter and the compromise has been arrived at to eliminate bitterness and acrimony between the parties and to restore cordial relations.

Respondent No.2-complainant, namely, Nishan Singh, through his power of attorney Nirmal Singh, has made a statement with regard to compromise before learned Magistrate on 15.10.2019. The same is reproduced as under:-

“I have come present as directed by Hon'ble Punjab and Haryana High Court vide order dated 02.09.2019 in CRM-M No.36567 of 2019 to get my statement recorded in FIR No.313 dated 28.9.2018, under section 323/341/452/354/506/148/149 of IPC, PS City Rajpura.

A FIR No.313 dated 28.9.2018, under section 323/341/452/354/506/148/149 of IPC, PS City Rajpura, Tehsil Rajpura, District Patiala was registered on the complaint of my son Nishan Singh against Gurbaj Singh and others. I am the duly constituted power of attorney of Nishan Singh and fully competent to depose on his behalf. I have brought the original power of attorney

today in the court and true copy of the same is attached with application. Same is Ex.PX.

With the intervention of respectable of locality and family members, I have compromised my dispute with the accused Gurbaj Singh, Sandeep Kaur, Kikkar Singh, Sukhavindra Kaur, Bhajan Singh, Balbir Kaur, Baljinder Singh with my free will and without any pressure & same is genuine. A separate compromise deed dated 29.03.2019 executed between me and accused already tendered in the Hon'ble High Court. Copy of which filed today is Mark PY on which I identify my signature. I am making this statement voluntarily without any pressure or coercion. I have no objection if the FIR be quashed. Copy of my Adhar Card is attached with my statement.

There is no other accused other than accused named above. Apart from this case, no other case is pending between us. Out of the above named accused, no accused has been declared proclaimed offender till date as per my knowledge. Challan has not been presented by police in the above noted FIR till date.”

Apart from above, a similar statement has also been made by respondent No.3-Gurmeet Kaur, injured, whereby she has shown no objection to the present FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 to 4 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.

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.0313 dated 28.09.2018 under Sections 323, 341, 452, 354, 506, 148, 149 IPC, registered at Police Station City Rajpura, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 29.03.2019 (Annexure P-2) are hereby quashed qua the petitioners.

January 14, 2020
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No