

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

254

CRM-M-36106-2019

Date of Decision:09.01.2020

Rajwinder Singh alias Rammi

.....Petitioner

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Amandeep Chhabra, Advocate,
for the petitioner.**

**Ms. Ruchika Sabharwal, AAG, 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 FIR No.127 dated 13.08.2019 under Sections 363, 366-A IPC, registered at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.08.2019 (Annexure P-2).

This Court vide order dated 30.08.2019 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, Malout and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 13.11.2019 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Though no one is present on behalf of the complainant-respondent No.2 Raj Kumar in Court today, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 03.10.2019. The same is reproduced as under:-

“Stated that FIR No. 127 dated 13.08.2019 U/S 363, 366-A of IPC, Police Station Sadar Malout was registered against Rajwinder Singh @ Rammi son of Tek Singh, R/o Sukhchain Pura Basti, Burja Road, Village Malout, P.S. Sadar Malout, District Sri Muktsar Sahib. Now the matter has been compromised with the intervention of respectables amicably. The compromise has been effected voluntarily, without undue influence, any coercion, fraud or misrepresentation and with the free will of the parties. I have no objection if the FIR No. 127 dated 13.08.2019 U/S 363, 366-A of IPC, Police Station Sadar Malout and further proceedings, is quashed.”

Learned State counsel has 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.127 dated 13.08.2019 under Sections 363, 366-A IPC, registered at Police Station Sadar Malout, District Sri Muktsar Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.08.2019 (Annexure P-2) are hereby quashed qua the petitioner.

January 09, 2020

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(HARI PAL VERMA)**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No