

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-54070 of 2019

Date of Decision: 18.03.2020

Paul @ Pal Masih

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- None for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.197 dated 23.09.2013 under Sections 354/452/323/148/149 IPC registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

This Court vide order 19.12.2019 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 recorded, however, the parties could not appear. Again vide order dated

11.02.2020, another opportunity was granted to the parties to get their statements recorded in terms of order dated 19.12.2019 passed by this Court.

Pursuant to the aforesaid order, the parties have appeared before Sub Divisional Judicial Magistrate, Ajnala and got their statements recorded. Learned Magistrate has forwarded her report dated 02.03.2020 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-Aman recorded on 04.12.2019 reads as under:-

“Stated that I have compromised the matter with the accused Paul@ Pal Masih son of Kashmir Masih, resident of Village Chimari, Tehsil Ajnala, Amritsar in FIR no.197 dated 23.09.2013 U/s 354/452/323/148/149 IPC, PS Ajnala, Amritsar. The compromise has been effected between me and the above said accused persons with the intervention of the respectables and relatives. The compromise is genuine and voluntary one and without any coercion or undue influence. I have made my statement voluntarily in the court today, I do not want to proceed further with the proceedings of this case and I have no objection if the present FIR be quashed against the accused mentioned in the FIR. Photocopy of my aadhar card is attached as Ex.R2 (original seen and returned).”

Apart from above, similar statement of the victim has also been recorded, wherein she has shown no objection to the FIR being quashed.

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) 1852 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2018)18 SCC 303, this petition is allowed and FIR No.197 dated 23.09.2013 under Sections 354/452/323/148/149 IPC registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1) and the subsequent proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise (Annexure P-2).

March 18, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No