

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-607-2021

Date of Decision:31.03.2021

Shamsher Singh @ Ghughri and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Ms. Simmi Gulati, Advocate,
for the petitioners.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab,
for respondent No.1.

Ms. Jasneet Mehra, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.350 dated 12.12.2020 under Sections 325, 452, 34 IPC, registered at Police Station Maqboolpura, District Amritsar(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise(Annexure P-2).

This Court vide order dated 07.01.2021 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court 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, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 12.03.2021 to the effect that the compromise arrived at between the parties is genuine, voluntarily, with their free consent, without any fear, undue influence and pressure.

Respondent No.2-complainant, namely, Rinku alias Chikna, has made a statement with regard to compromise before learned Magistrate on 05.03.2021. The same is reproduced as under:-

“Stated that on my statement an FIR No.350/12.12.2020 PS Maqboolpura under section 452, 325, 34 IPC has been registered against accused (i) Shamsher Singh @ Ghughri S/o Heera Singh (ii) Sajan Singh S/o Kuldeep Singh (iii) Dara Singh @ Chuchi S/o Kuldeep Singh, All residents of House No.3256, Mehta Road, Gali no.10, Maqboolpura, Amritsar, (iv) Rohit Singh @ Godha S/o Parkash Singh @ Mahajan Kabaria, residents of House No.3303, Mehta Road, Gali no.9, Maqboolpura. That now the present matter has compromised between me and all the above said accused. That accused moved a quashing petition in the Hon'ble Punjab & Haryana high Court under CRM-M-607-2021, I have no objection if the present FIR which registered by me only against all accused may be quashed by the Hon'ble Punjab & Haryana High Court. I have compromised the matter with all the accused persons without any threat, coercion and any kind of influence. Except the above said four accused no other person is arrayed as accused in the present FIR. Neither of the said accused was declared as proclaimed offender either by the court or by the police in the present FIR. The proceedings in the present FIR are pending at investigation stage and challan has not been presented before the court. The present FIR may kindly be quashed.”

Learned State counsel as well as learned 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.

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* and 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.350 dated 12.12.2020 under Sections 325, 452, 34 IPC, registered at Police Station Maqboolpura, District Amritsar(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise(Annexure P-2).

March 31, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No