

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32047 of 2015 (O&M)
Date of Decision: September 20, 2019

Surinder Singh and Ors.

...Petitioners

Versus

State of Punjab and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Parish Vaid, Advocate for
Mr. Harsh Bunker, Advocate for the petitioners.
Mr. Karanbir Singh, AAG, Punjab.
Mr. L.S. Mann, Advocate for respondent No.2.

HARINDER SINGH SIDHU, J.

CRM-17948-2021 :

Prayer is for preponing the date of hearing.

Notice of the application.

Sh. Karanbir Singh, AAG, Punjab accepts notice on behalf of
respondent-State of Punjab.

For the reasons recorded in the application, which is supported by
an affidavit, the same is allowed and the matter is taken up for hearing today
itself.

CRM-M-32047-2021(O&M):

Petitioners have filed this petition under Section 482 Cr.P.C. for
quashing of FIR No.39 dated 12.02.2014 under Sections 419, 420, 465, 467, 468,

471 and 120-B IPC registered at P.S Shahkot, Jalandhar and all other consequential proceedings arising out of the said FIR, as the matter stands amicably settled in terms of compromise deed.

Vide order dated 19.09.2015, the parties were directed to appear before the Illaqa Magistrate/trial Court on 12.10.2015 for getting their statements recorded with regard to the compromise and the trial Court was to send its report regarding genuineness of the compromise. The Ld. Judicial Magistrate Ist Class, Nakodar vide her report dated 19.10.2015 had opined that no genuine compromise had been effected as complainant had not appeared to depose about its genuineness.

Thereafter, vide orders dated 27.03.2017, 02.06.2017, 04.12.2018, the parties were again directed to appear before the trial Court. The Trial Court was required to submit the veracity report as regards genuineness of the compromise.

A report dated 02.02.2019 of learned Judicial Magistrate Ist Class, Nakoddar has been received. As per the report, the parties had appeared before learned Judicial Magistrate Ist Class, Nakodar on 31.01.2019 and got recorded their statements regarding compromise. It is reported that respondent No.6-Baljinder Singh did not appear to get his statement recorded, while one of the complainant – petitioner No.3, namely Harjit Kaur wife of Gian Singh has since expired, in terms of statements made by other complainants. On the basis of the statements made by the parties before the Ld. Trial Court, Ld. Magistrate has further reported that he is of the considered view that the compromise between the parties is arrived at by their free will, without any pressure or coercion. It is reported that there is nothing on the record to doubt the genuineness of the compromise so arrived at between the parties.

Learned counsel for the petitioners submits that the complainant-Harjit Kaur died on 08.08.2015. Harjit Kaur had one son namely Harjinder Singh, who predeceased Harjit Kaur and, therefore, the widow of Harjinder Singh namely Harbhajan Kaur @ Bhajan Kaur & her sons namely Mandeep Singh, Iqbal Singh, Pavittar Singh have been arrayed as petitioner No.2, 4, 5 & 6, respectively. Statements of accused-respondent Nos.2 & 3 (Darshan Singh and Jasjit Kaur) have been recorded. Accused - respondent No.4 (Jagir Singh) has expired while respondent No.5 (Gurdip Singh) was declared innocent during investigation and not challaned. Respondent No.6 (Baljinder Singh) has been wrongly arrayed as accused-respondent as he was only a Mediator and not named in the FIR or challaned as accused. All the LRs of Harjit Kaur-complainant have been arrayed as party (petitioners No.4, 5 & 6) as per her registered Will dated 24.06.2005 (Annexure P-8).

The statements of all the complainants - petitioners except complainant-Harjit Kaur, who has since expired, have been recorded affirming the fact of compromise.

In view thereof, the present petition is allowed. FIR No.39 dated 12.02.2014 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC registered at P.S Shahkot, Jalandhar along with all subsequent proceedings arising therefrom, are hereby quashed qua the accused – respondents.

All pending Misc. application(s) also stand disposed of.

September 20, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No