

220.

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

CRM-M-25266-2020

Date of decision: 01.02.2021

SAHIB SINGH AND ANOTHER

... Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None.

HARI PAL VERMA, J. *(Oral)*

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

This is a petition under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No.44 dated 06.03.2020 under Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Dugri, Ludhiana and all other consequential proceedings arising therefrom, on the basis of compromise deed dated 19.06.2020 (Annexure P-2) arrived at between the parties.

This Court, vide order dated 15.10.2020, had directed the parties to appear before the concerned CJM/Illaq Magistrate/trial Court on 09.11.2020, or on any other date convenient to the court, for recording of their statements and the CJM/Illaq Magistrate/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 Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 01.12.2020 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any undue influence, coercion or pressure.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Ranjeet Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 09.11.2020. The same is reproduced as under:-

“I have entered into the compromise with the accused persons namely Sahib Singh S/o Kapoor Singh R/o H.no.2165, Phase-II, Urban Estate, Dugri, District Ludhiana and Bhagatpreet Singh S/o Kanwaljeet Singh, R/o Street no.6, Guru Harkrishan Nagar, Khanna, District Ludhiana with the intervention of the respectables relative and Panchayat. Accused have filed a quashing petition bearing no.CRM-M-25266 of 2020 for quashing of the FIR no.44 dated 06.03.2020 U/s 420 and 120B IPC at PS Dugri, Ludhiana. I admit the contents of compromise deed dated 19.06.2020 entered into between me and both the accused. I will abide by the terms and conditions above of the compromise. I have made the present statement out of my free will and consent and without any force, threat, coercion or undue influence from any side. I have no objection if the said FIR is quashed by the Hon'ble High Court as the matter has been compromised. Copy of my Adhaar Cards are Ex.A1. No other criminal case is pending against the accused. In this case challan has not yet been entered by the

Police in this Court. I have no objection if the Hon'ble Court quashed the above said FIR”

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.44 dated 06.03.2020 under Sections 420 and 120-B of the Indian Penal Code, 1860 registered at Police Station Dugri, Ludhiana and all other consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 19.06.2020 (Annexure P-2), however, that would be subject to payment of costs of Rs.20,000/- to be deposited by the petitioners with the High Court Bar Association in the Lawyers' Welfare Fund, within one month from today.

(HARI PAL VERMA)
JUDGE

01.02.2021
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No