

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-28643 of 2020

Date of Decision: 10.02.2021

Chamkaur Singh

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Mr. C.S. Jattana, 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.73 dated 28.04.2020 under Sections 279, 336, 337, 188 IPC Section 27 Arms Act registered at Police Station City South Moga (Annexure P-1) on the basis of compromise dated 04.06.2020 (Annexure P-2).

This Court vide order dated 17.12.2020 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 between the parties on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before Chief Judicial Magistrate, Moga and got their statements recorded. Learned Magistrate has forwarded her report dated 13.01.2021 to the effect that the compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.

The FIR in question has been recorded on the basis of statement of respondent No.2-Jasdeep Singh @ Bhola. He has made a statement before the learned Magistrate in support of compromise on 11.01.2021, which reads as under:-

“I have entered into the compromise with the accused Chamkaur Singh of FIR No.73 dated 28.04.2020 registered under Sections 279, 336, 337, 188 IPC and Section 27-54-59 of Arms Act, P.S. City South, Moga with the intervention of respectable of the society. I have no objection, if the above said FIR is quashed. I have entered into the compromise to avoid further litigation and for the peace of mind. Nothing is due towards the accused. I do not want to pursue the present FIR. I am giving this statement without any pressure, undue influence and coercion and the compromise so entered between me and the abovesaid accused was with my free Will and

consent, without any force, undue influence and coercion etc. from any quarter. The said compromise is genuine and voluntarily entered into by me with the said accused. No person has been declared proclaimed offender in the above said FIR. There is only one accused in the above said FIR.”

Similar statement has been made by respondent no.3.

Learned counsel for respondent no.2 admits the very factum of compromise so entered between the parties and submits that the complainant has no objection to the FIR being quashed.

Learned State counsel also does not dispute the compromise entered 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) 1352 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2013)13 SCC 303, this petition is allowed and FIR No.73 dated 28.04.2020 under Sections 279, 336, 337, 188 IPC Section 27 Arms Act registered at Police Station City South Moga (Annexure P-1) and the consequent proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise dated 04.06.2020.

However, this will be subject to payment of costs of ₹10,000/-,
which shall be paid by the petitioner in the Lawyers Welfare Fund of
Punjab and Haryana High Court Bar Association.

February 10, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No