

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-34240 of 2020(O&M)

Date of Decision: 19.01.2021

Safal Singh Gill

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Akbarjit Singh, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

Mr. S.P. Luthra, 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.

CRM-26399-2020:

The application is allowed, as prayed.

Criminal Misc. No.M-34240 of 2020:

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.006 dated 19.01.2020 under Sections 279, 337, 427 IPC registered at Police Station Jalandhar Cantt. (Jalandhar Police

Commissionerate), (Annexure P-1) and all consequential proceedings arising therefrom, on the basis of compromise dated 17.09.2020 (Annexure P-2).

This Court vide order dated 18.11.2020 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 Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. Learned Magistrate has forwarded her report dated 11.12.2020 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 FIR in question has been recorded on the basis of statement of respondent No.2-Puneet. He has made a statement before the learned Magistrate in support of compromise on 10.12.2020, which reads as under:-

“Stated that I am resident of above said address and an FIR No. 6 dated 19.01.2020 under Section 279/337/427 IPC PS Jalandhar Cantt was registered against Safal Singh Gill on my statement. The matter has been compromised with the above said person/accused in the presence of respectable of the locality on the basis of the said compromise. Duplicate copy of

compromise has been placed on record which is Ex. PA on which I identify my signatures on point A to C. I have no objection, if the above said FIR/case be quashed. The above said compromise is genuine, voluntarily and without coercion or undue influence. I give my statement without any undue influence and the same is with my free consent. Today I have brought my original Adhar Card and copy of the same is Ex.PB. There is only one accused who is facing the trial namely Safal Singh Gill. None of the accused is proclaimed person. I am the only complainant in this case.”

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.006 dated 19.01.2020 under Sections 279, 337, 427 IPC registered at Police Station Jalandhar Cantt. (Jalandhar Police Commissionerate), (Annexure P-1) and

the consequent proceedings arising therefrom are quashed *qua* the petitioner, on the basis of compromise.

January 19, 2021
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No