

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

CRM-M-36152 of 2020.

Decided on:- March 01, 2021.

Kewal Krishan and another

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Arpan Sabharwal, Advocate
for the petitioners.

Mr. Sandeep Kumar, D.A.G., Punjab.

Mr. Prabhjot Singh, Advocate for
Mr. Amit Dhawan, Advocate
for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.293 dated 02.12.2018 under Sections 448, 511 and 380 IPC registered at Police Station Division No.8, District Police Commissionerate, Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 18.06.2020 (Annexure P-2).

This Court vide order dated 06.11.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties had appeared before learned Judicial Magistrate 1st Class, Jalandhar and got their statements recorded on 19.11.2020. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.11.2020 to the effect that the compromise seems to be genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant Surinder Pal has made a statement with regard to compromise before learned Magistrate on 19.11.2020. The same is reproduced as under:

“Stated that on the basis of my statement cross-case FIR no.293 dated 02.12.2018 was registered under Section 448, 511, 380 IPC, PS Division no.8, Jalandhar against accused Kewal Krishan, Sandeep Kumar and Gurbachan Kaur. Gurbachan Kaur accused had died. Now with the intervention of the respectables, friends and relatives the matter has been compromised and on the basis of compromise dated 18.06.2020. The Copy of the compromise deed Ex.A1. I identify my signature over compromise Ex.A1 at point A to F. The accused Kewal Krishan and Sandeep Kumar have filed quashing proceedings bearing CRM-M-36152-2020 of FIR No. 293 dated 02.12.2018 was registered under Sections 448, 511, 380 IPC at PS Division No. 8 Jalandhar on the basis of said compromise Ex.A1 attached along with quashing petition mentioned above. The said compromise is genuine and arrived at with free consent and without any pressure, coercion, undue influence and inducement from any quarter. I have no grudge or ill will against the accused Kewal Krishan and Sandeep Kumar. The photocopy of my Aadhar Card is Ex. A2. The present FIR may kindly be quashed, cancelled by this Hon'ble Court.”

Learned State counsel and learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

Thus, 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*, the present petition is allowed and the of FIR No.293 dated 02.12.2018 under Sections 448, 511 and 380 IPC registered at Police Station Division No.8, District Police Commissionerate, Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 18.06.2020 (Annexure P-2).

March 01, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No