

223.

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

CRM-M-39668-2020

Date of decision:16.03.2021

Rajwant Singh @ Raju and others

... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Manjeet Kaur, Advocate,
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab,
for respondent No.1.

Ms. Asha Singh, Advocate, for
Ms. Manpreet Kaur, 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 F.I.R. No.63 dated 15.07.2017 under Sections 363, 366(A) and 34 of IPC registered at Police Station Smalsar, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 03.03.2020 (Annexure P-2).

This Court vide order dated 01.12.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Baghapurana and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 14.01.2021 to the effect that the compromise is genuine and has been effected between the parties voluntarily and without any threat or coercion..

Respondent No.2-complainant, namely, Kulwinder Kaur has made her statement with regard to compromise before learned Magistrate on 04.12.2020. The same is reproduced as under:-

“Stated that the present FIR bearing no.63 dated 15.07.2017, under Sections 363, 366 (A) and 34 IPC at Police Station Smalsar was registered on my statement against the accused namely, Rajwant Singh alias Raju son of Jagtar Singh alias Jagjit Singh, Jagtar Singh alias Jagjit Singh son of Dalip Singh, residents of village Nangal, District Amritsar and Sharnjit Kaur d/o Jagtar Singh alias Jagjit Singh now wife of Harjinder Singh, resident of village Deo, District Tarn Taran and with the intervention of respectables, a compromise was arrived at between me and accused party. Now I do not want to proceed with the present case and I have no objection in case the quashing proceedings pending in the Hon'ble High Court be accepted and FIR be quashed. I further stated that the compromise has been effected without any pressure or compulsion and with my free will and I suffered the statement in the court without any pressure.”

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

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 F.I.R. No.63 dated 15.07.2017 under Sections 363, 366(A) and 34 of IPC registered at Police Station Smalsar, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 03.03.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

16.03.2021
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No