

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

241

CRM-M-39272-2020

Date of Decision:19.02.2021

Palwinder Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Vinod K. Kaushal, Advocate,
for the petitioners.

Mr. H.S. Multani, A.A.G., Punjab,
for respondent No.1-State.

None for the respondent Nos.2 and 3.

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.191 dated 11.09.2020 under Sections 354, 354-D, 341, 506 IPC, registered at Police Station Khilchian, District Amritsar Rural, Amritsar (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise deed dated 13.11.2020 (Annexure P-2).

This Court vide order dated 26.11.2020 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned trial court 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, Baba Bakala Sahib, District Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 06.01.2021 to the effect that the compromise arrived at between the parties is voluntarily, out of their free will and without any pressure or coercion and the same appears to be genuine one.

Though no one is present on behalf of respondent No.2-complainant, namely, Harmanpreet Kaur in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 17.12.2020. The same is reproduced as under:-

“Stated that the above said FIR was registered on my statement against (1) Palwinder Singh son of Sukhdev Singh and (2) Sukhwinder Singh @ Sukh son of Sukhdev Singh, both residents of village Chajjalwadi, Tehsil Baba Bakala Sahib, District Amritsar. Accused of this case are petitioners in this petition. Now I have compromised the matter with the above said accused persons with the intervention of respectable persons. Compromise has been effected without any pressure on parties and without any coercion and with free will of the parties to the disputes. Accused are not proclaimed offender in this case. No other person is involved in the present FIR. Challan has not yet presented in this case. I have no objection if the above said FIR be quashed.”

Apart from above, a similar statement has also been made by respondent No.3-Sukhdev Singh, whereby he has shown no objection to the present FIR being quashed.

Learned State counsel has 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 FIR No.191 dated 11.09.2020 under Sections 354, 354-D, 341, 506 IPC, registered at Police Station Khilchian, District Amritsar Rural, Amritsar (Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise deed dated 13.11.2020 (Annexure P-2), subject to payment of costs of ₹10,000/- to be paid by the petitioners, within a period of two months from today with the Bar Association of this Court.

February 19, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No