

226.

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

CRM-M-39673-2020

Date of decision:16.03.2021

Harpal Singh and another

... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Manuj Nagrath, Advocate,
for the petitioners.

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

Mr. Shivam Malhotra, 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.184 dated 16.11.2020 under Sections 420, 506 and 120-B of IPC registered at Police Station Khamanon, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 20.11.2020 (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 Judicial Magistrate Ist Class, Khamanon and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 29.01.2021 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any pressure or undue influence and out of their own free will.

Respondent No.2-complainant, namely, Anita Rani has made her statement with regard to compromise before learned Magistrate on 22.01.2021. The same is reproduced as under:-

“Stated that the matter involved in FIR no.184 dated 16.11.2020, under Section 420, 506,120-B IPC, P.S. Khamanon, has been compromised with accused persons namely Harpal Singh and Harjit Singh both sons of Tarlok Singh, residents of Khamanon Khurd, Tehsil Khamanon, District Fatehgarh Sahib. The compromise with the above said accused persons has been entered into with by me own free will, without any pressure, coercion, undue influence, misrepresentation or threat from any quarter. I have seen photo copy of the notarized compromise dated 20.11.2020 on the judicial file and I identify my signature on Ex.P1 at point Mark-A to Mark-C. I have no objection if the above said FIR may kindly be quashed qua accused persons.”

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.184 dated 16.11.2020 under Sections 420, 506 and 120-B of IPC registered at Police Station Khamanon, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 20.11.2020 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

16.03.2021
sanjeev

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