

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

CRM-M-43267 of 2020.

Decided on:- March 31, 2021.

Manpreet Singh alias Gabru and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Ms. Amandeep Kaur Gill, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

None 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.

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.176 dated 17.08.2020 under Sections 323, 324, 341, 506, 148 and 149 IPC registered at Police Station Sadar Sangrur, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.10.2020 (Annexure P-2).

This Court vide order dated 22.12.2020 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 dated 22.12.2020 passed by this Court, the petitioner No.1 as well as respondent No.2 had appeared before learned Additional Chief Judicial Magistrate, Sangrur and got their statements recorded on 29.01.2021. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 03.02.2021 with regard to the compromise effected between the parties to the effect that the compromise so effected between the parties is genuine, voluntary and without any coercion or undue influence. Learned Magistrate further reported that it was revealed by petitioner No.1 that petitioners No.2 to 4 did not appear for recording their statements as they had gone to Delhi to participate in the protests.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Harpreet Singh. Though no one has put in appearance on his behalf, but it would not cause any prejudice to him as he has already made a statement before learned Magistrate in support of the compromise on 29.01.2021, which reads as under:

“Stated that case FIR No.176 dated 17.08.2020 under Sections 323, 324, 506, 148 read with Section 149 of IPC, Police Station Sadar Sangrur was registered on the basis of my statement against accused/petitioners. I respondent, have compromised with the petitioners/accused without any extraneous influence, coercion, pressure and on my volition. The petitioners/accused have already filed the quashing proceedings before the Hon’ble Punjab and Haryana High Court vide CRM-M-43267 of 2020 titled as Manpreet Singh @ Gabru and others Vs. State of Punjab and another in which the date is fixed for 29/03/2021. I have compromised with all the petitioners/accused

so that we can live our life peacefully without any further dispute. I am making the statement voluntarily. I have no objection if the quashing proceedings filed by petitioners be accepted on the basis of compromise and if the FIR in question is quashed.”

Learned State counsel has 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 FIR No.176 dated 17.08.2020 under Sections 323, 324, 341, 506, 148 and 149 IPC registered at Police Station Sadar Sangrur, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 15.10.2020 (Annexure P-2).

March 31, 2021

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No