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

CRM-M-43972-2020(O&M)

Date of Decision:09.03.2021

SHINDER PAL SINGH @ SHINDO

.....Petitioner

Vs

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. N.S Sidhu, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

[1] The case has been taken up for hearing through video conferencing.

[2]. Prayer in this petition is for quashing of FIR No.135 dated 24.11.2019 registered under Sections 295/379-B of IPC at Police Station City Rampura, District Bathinda along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. In the context of genuineness of the compromise,

both the parties were directed to appear before the Illaqa Magistrate/trial Court. The trial Court after recording the statements of the parties has submitted its report. Relevant part of the report is reproduced hereasunder:-

1. *"It is humbly submitted that in compliance of order dated 04.01.2021 passed by Hon'ble Punjab & Haryana High Court in above-mentioned case, statements of parties were recorded on 11.01.2021. Complainant Gurmail Singh has suffered statement that the FIR was lodged by him and now he has compromised the matter with the accused with the intervention of Panchayat & other respectables. He has stated that now there is no dispute between him and the accused and no other case is pending against him. He further stated that the compromise has been effected with his free will and without any pressure or coercion. Accused person namely Shinder Pal Singh @ Shindo has also suffered statement that with the intervention of Panchayat & other respectables, he has compromised the matter with the complainant with his free will and without any pressure or coercion. He further stated that there is no dispute between him and the complainant. The above statements of parties have been recorded in presence of counsels and parties have been identified by Sh. Amandeep Singh Dhillon and Sh. A.S. Mander, Advocates respectively.*

2. *Investigating Officer ASI Jagtar Singh No. 1213/BTI, PS City Rampura suffered statement that there is only one complainant in this FIR, namely Gurmail Singh and one accused person namely Shinder Pal Singh @ Shindo. He also stated that none of the accused is proclaimed offender and there are no criminal case/proceedings pending against either of the parties.*

3. *Accordingly, following report is submitted please:*

a) *As per statement of Investigating Officer, in case titled as State Vs. Shinder Pal Singh, FIR No.135 dated 24.11.2019, U/s 295, 379-B IPC, Police Station City Rampura, only Shinder Pal Singh @ Shindo has been arrayed as accused in FIR.*

b) *From the statements of the complainant and the accused person, it appears that the compromise between the parties has been effected voluntarily, without any pressure, threat or coercion. The compromise is genuine and valid.”*

c) *As per statement of Investigating Officer, none of the accused is proclaimed offender in the said case.*

[4]. In view of compromise between the parties, chance of complainant coming forward in support of prosecution case is

negligible. Since the compromise has been entered into between the parties and the same has been found to be genuine by the Magistrate, therefore, on the strength of **Kulwinder Singh and others vs. State of Punjab, 2007 (3)**

RCR (Criminal) 1052 and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543,** the FIR can be quashed.

[5]. Learned State counsel, however, opposed the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[6]. Resultantly, FIR No.135 dated 24.11.2019 registered under Sections 295/379-B of IPC at Police Station City Rampura, District Bathinda as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

09.03.2021

Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No