

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-10763-2023

Date of decision: 12.09.2023

Gurmandeep Singh Brar @ Gurman Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab
for respondent No.1-State.

Mr. Jasjeet Singh Virk, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.51 dated 15.03.2020 under Sections 420/406/120 B of the Indian Penal Code, 1860 registered at Police Station Civil Lines Bathinda, District Bathinda and all consequential proceedings arising out of the same, on the basis of compromise/affidavit dated 23.02.2023 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 20.04.2023 of a Coordinate Bench this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Chief Judicial Magistrate, Bathinda, in pursuance of the directions of this Court, wherein, the factum of the compromise arrived at between the parties stands verified and confirmed. As per the report compromise has indeed

been effected between the parties and the same is without any pressure or coercion and out of their free will and the complainant has also made statement to the effect that he would have no objection if the FIR *qua* the accused-petitioners is quashed.

4. The Trial Court has annexed copies of statements of the parties alongwith its report.

5. On a pointed query put to the learned State counsel as to how the case of the petitioner was distinguishable from that of co-accused Harjinder Singh with whom the complainant had not effected any compromise, he has submitted that all the allegations levelled in the FIR were against Harjinder Singh who was the prime accused and concededly only an apprehension had been raised by the complainant qua the petitioner having possibly cheated him along with co-accused Harjinder Singh.

6. In view of the report of the learned Chief Judicial Magistrate, Bathinda and the principles laid down by the Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*, and also by the Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, the instant petition is allowed. The aforesaid FIR and all consequential proceedings arising out of it, are quashed qua petitioner only.

7. Needless to say the parties shall remain bound by the terms of compromise and their statements recorded before the Court below.

12.09.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No