

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

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CRM-M-16809-2023

Date of decision: 11.09.2023

Jagtar Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shivender, Advocate
for the petitioners.

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

None for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.95 dated 01.11.2016 under Sections 419, 420, 465, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Sadar Moga, District Moga and all consequential proceedings arising out of the same, on the basis of compromise dated 09.03.2023 (Annexure P-2) arrived at, between the parties.

2. Vide order dated 11.04.2023 of this Court, the parties were directed to appear before the learned trial Court/Illaqa Magistrate on 11.05.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Additional Chief Judicial Magistrate, Moga, 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 received from the Trial Court all the accused except petitioner Jagtar Singh put in an appearance along with the complainant and got their respective statements recorded with regard to compromise (Annexure P-2). As per the report, petitioner Jagtar Singh did not put in an appearance, however, the statement of the complainant which is annexed with the report reveals that he has categorically stated therein that the compromise stands effected with all the accused including petitioner Jagtar Singh. 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. It has been further fi

4. The Trial Court has annexed the statements of the parties in original, alongwith its report.

5. Learned State counsel too submits that there are no other accused other than the petitioners and respondent No.2 is the only aggrieved person in the FIR in question.

6. In view of the report of the learned Additional Chief Judicial Magistrate, Moga 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.

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

11.09.2023

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(MANJARI NEHRU KAUL)
JUDGE

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