

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

283

CRM-M-17517-2023 (O&M)

Date of decision: 13.07.2023

Balwinder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab
for respondent No.1-State.

Mr. Vishal Munjal, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is for quashing of FIR No.101 dated 16.07.2007 under Sections 406 and 420 of the Indian Penal Code, 1860 registered at Police Station Mukerian, District Hoshiarpur (Annexure P-1) and the consequential proceedings arising out of the same, on the basis of compromise dated 27.03.2023 (Annexure P-/2) arrived at, between the parties.

2. Vide order dated 18.04.2023 of this Court, the parties were directed to appear before the learned Trial Court/Illaqa Magistrate on 15.05.2023 to get their statements recorded regarding the compromise arrived at, between them.

3. Report has since been received from learned Sub Divisional Judicial Magistrate, Mukerian, 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-petitioner is quashed. It has further been mentioned in the report that the FIR in question was registered against four persons namely Lakhwinder Singh, Jarnail Singh, Dharamjit Singh and Balwinder Singhi (petitioner). Challan has not been presented against Lakhwinder Singh and Dharamjit Singh has been acquitted by the Trial Court vide judgment dated 16.10.2013. The petitioner and Jarnail Singh were declared proclaimed offenders, however, the petitioner has joined proceedings.

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

5. Learned State counsel reiterates the contents of the above-said report and submits that respondent No.2 is the only aggrieved person in the FIR in question.

6. In view of the report of the learned Sub Divisional Judicial Magistrate, Mukerian 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 the petitioner.

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

13.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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