

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

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CRM-M-46389-2022

Date of decision: 25.01.2023

Shamsher Singh and anotherPetitioners
Versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jasinder Singh Thind, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab
for respondent No.1-State.

Sh. Shubham, Advocate
for respondent no.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition is for quashing of FIR No.110 dated 05.05.2022 lodged under Sections 379-B(2)/34 of the Indian Penal Code, 1860 registered at Police Station Sadar Amritsar, District Amritsar and the consequential proceedings arising out of the same, on the basis of compromise/affidavit dated 24.09.2022 (Annexure P-2) arrived at, between the parties.

Vide order dated 11.10.2022 of this Court, the parties were directed to appear before the learned trial Court/Illaq Magistrate on 29.10.2022 to get their statements recorded regarding the compromise arrived at, between them.

Report has since been received from learned Additional Sessions Judge, Amritsar in pursuance of the direction 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 complainants have also made statement to the effect that they would have no objection if the FIR *qua* the accused-petitioners is quashed.

The Trial Court has annexed the photocopy of the statements of the parties, alongwith its report.

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

In view of the report of the learned Additional Sessions Judge, Amritsar 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.

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

25th January, 2023

Sapna

(MANJARI NEHRU KAUL)
JUDGE

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