

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-45419-2019

Date of decision: 21.03.2023

Harbhajan Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : None for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab
for respondent No.1-State.

None for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 482 of the Cr.P.C. for quashing of FIR No.10 dated 24.01.2008 under Sections 447, 511, 506, 148 and 149 of the IPC registered at Police Station Subhanpur, District Kapurthala (Annexure P-1) and the consequential proceedings arising out of the same, on the basis of compromise/affidavit dated 09.08.2019 (Annexure P-2) arrived at, between the parties.

Vide order dated 24.10.2019, the parties had been directed to appear before the learned Illaqa Magistrate/Trial Court and get their respective statements recorded with respect to the compromise arrived at between them vide Annexure P-2 dated 09.08.2019 in the FIR in question.

Report has since been received from the learned Trial Court which is annexed at Flag 'A'. As per the report received, there were 05 accused in all out of which 03 died during the pendency of the instant petition and one accused i.e. Karnail Singh son of Balwant Singh is completely bed ridden on account of various ailments. The petitioner, however, has appeared along with the complainant and their statements have been recorded with respect to the compromise so arrived at between them.

Learned State counsel has also not disputed that Karnail Singh son of Balwant Singh is completely bed ridden on account of multiple medical ailments.

As per the report of the Trial Court, 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.

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

In view of the report of the learned Trial Court 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.

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

21.03.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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