



Sr. No.308

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23869-2024
Date of decision: 07th August 2024

BALWANT SINGHPetitioner
versus

STATE OF PUNJAB AND ANR.Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Shivani, Advocate for
Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, for quashing of FIR No.175 dated 30.07.2020, under Sections 451, 354, 354-A, 506 IPC, 1860, registered at Police Station Bhogpur, District Jalandhar (Annexure P-1), on the basis of compromise deed dated 07.05.2024 (Annexure P-2), executed between the parties.
2. This Court, vide order dated 29.05.2024, had directed the parties to appear before the trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.
3. Pursuant to the aforesaid order, the parties have appeared before the Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, the learned Magistrate has submitted report dated 30.07.2024 with the following observations:-

“xxx xxx xxx xxx

1. The compromise arrived between the petitioner and respondent No. 2 is genuine and it has been effected with their free will and without any pressure of any kind from anyone.



2. *The statement of husband of respondent No.2-Jaswant Singh could not recorded. However, as per the contents of the FIR the accused/petitioner had only pushed Jaswant Singh to enter the house.*
3. *The complainant/respondent No. 2 is the only other victim. Further, only the petitioner is the accused in the present FIR. The complainant/respondent No. 2 and accused/petitioner are parties to the compromise.*
3. *As per the statement of SI Premjit Singh, no other person was added as an additional accused in the present case.*
4. *As per the statement of SI Premjit Singh the accused/petitioner has not been declared as proclaimed offender in the present case. The judicial record also shows that the accused has not been declared proclaimed offender in the present FIR.*
5. *As per the statement of SI Premjit Singh, no offence was added or deleted during investigation in the present FIR.*
6. *As per the statement of SI Premjit Singh, the investigation against the accused/petitioner Balwant Singh is complete and the challan has already been presented in the court. His statement also shows that the accused/petitioner was not declared innocent during investigation.*

xxx xxx xxx xxx”

4. Learned State counsel has no objection with the acceptance of the present petition.
5. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR.
6. Following the principles laid down by the Full Bench judgment of this Court in “**Kulwinder Singh and others Versus State of Punjab and another 2007**” (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in “**Gian Singh Versus State of Punjab and others**” (2012) 10 SCC 303, the present petition is allowed and FIR No.175 dated 30.07.2020, under Sections 451, 354, 354-A, 506 IPC, 1860, registered at Police Station Bhogpur, District Jalandhar (Annexure P-1)



and all subsequent proceedings arising therefrom are ordered to be quashed qua the petitioner.

7. However, the respondent No.2 and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise deed dated 07.05.2024 (Annexure P-2) are violated.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07th August 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No