

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201 CRM-M-26641-2020 (O&M)
Date of Decision:09.05.2024

MANMEET SINGH AND OTHERSPetitioners

Vs.

STATE OF PUNJAB AND ANOTHERRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Rajbinder Singh Sidhu, Advocate for
Mr. Nitesh Singhi, Advocate for the petitioners.

Mr. Amandeep Singh, DAG, Punjab.

Mr. Pradeep Panwar, Advocate
for respondent No.2.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.177 dated 03.11.2019, under Sections 323, 341, 506, 34, 427 and 452 IPC, registered at Police Station Shimlapuri, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 03.02.2020 (Annexure P-2).

This Court vide order dated 07.02.2023 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.

Pursuant to the aforesaid order, only petitioners No.1 & 4 along with complainant-respondent No.2 had appeared before Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated

11.04.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence. However, at that time petitioners No.2 and 3 did not appear.

This Court vide order dated 18.04.2023 had directed petitioners No.2 & 3 [wrongly recorded as petitioners No.3 & 4 in the said order] along with complainant-respondent No.2 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.

Pursuant to the aforesaid order, petitioners No.2 & 3 failed to appear before the ld. Magistrate to get their statement recorded.

Again on 28.02.2024, while allowing application bearing CRM-52222-2023, filed by the applicant-petitioners, to grant one more opportunity to the parties to get their statement recorded in terms of order dated 07.02.2023/18.04.2023, petitioners No.2 & 3 [wrongly recorded as petitioners No.3 & 4 in the said order] along with complainant-respondent No.2 were directed 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.

Pursuant to the aforesaid order, only petitioners No.2 & 3 along with complainant-respondent No.2 had appeared before Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.04.2024 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Learned State counsel as well as counsel for respondent No.2-

complainant have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

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*, this petition is allowed and FIR No.177 dated 03.11.2019, under Sections 323, 341, 506, 34, 427 and 452 IPC, registered at Police Station Shimlapuri, District Ludhiana and all subsequent proceedings arising therefrom on the basis of compromise dated 03.02.2020 (Annexure P-2) are quashed qua the petitioners.

(DEEPAK GUPTA)

JUDGE

09.05.2024

pry

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No