

252 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No. 14168 of 2014(O&M)

Date of Decision : 15.01.2015

Harwinder Singh alias Binder Singh aliasPetitioners
Mohinder Singh and others

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Hardip Singh, Advocate
for the petitioners.

Mr. Deepak Garg, AAG, Punjab.

Mr. Joginder Sharma, Advocate
for respondents No. 2 and 3.

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for quashing of FIR on the basis of compromise.

On 14.08.2014 the following order was passed:-

“The present petition has been filed under Section 482 Cr.P.C. quashing of F.I.R. No.129 dated 14.07.2008 registered under Sections 326, 323, 324, 341, 148, 149 IPC at P.S. Sadar Rajpura, District Patiala and all other consequential proceedings arising therefrom on the basis of compromise effected between the parties, which is annexed as Annexure P-2 with the petition.

Adjourned to 28.11.2014.

Meanwhile, the parties are directed to be present before the trial Court on 05.09.2014 or any other date

convenient to the Court for recording their statements with regard to compromise. The Court is directed to record the statements of both the parties to its satisfaction to know its genuineness that the statements are not the result of any pressure or coercion in any manner. The Court is further directed to send report along with the statements of the parties with regard to validity or otherwise of the compromise effected between the parties and also intimate whether any criminal case is pending against either of the parties or not before the next date of hearing.”

Report has been received from the Judicial Magistrate 1st Class, Rajpura dated 13.11.2014 attesting to the fact that the compromise has been effected between the parties. Learned Addl.AG states that the petitioner was declared a proclaimed offender. Learned counsel for the petitioner states that the petitioner had gone abroad for higher studies and he was never summoned. He has further relied upon *Jasvinder Singh v. State of Punjab and another* reported as 2013(1) RCR(Criminal) 310 wherein in similar circumstances this Court quashed the FIR on the basis of compromise precisely on the same ground that the petitioner was not known to have been served secondly on the ground that once the compromise has taken place it would be a futile exercise. Learned AAG is not in a position to cite any contrary judgment.

Consequently the petition is allowed and the F.I.R. No.129 dated 14.07.2008 registered under Sections 326, 323, 324, 341, 148, 149 IPC at P.S. Sadar Rajpura, District Patiala and all consequential proceedings arising therefrom are quashed qua the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

January 15, 2015