

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M- 14155 of 2015

Date of decision: 21.09.2015

Kulwinder Singh and others

----Petitioner(s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Sarbjit Singh, Advocate for the petitioners.

Mr. Sultan Singh Gill, Deputy Advocate General, Punjab.

Mr. B.S. Baath, Advocate for
Mr. G.S. Thind, Advocate for respondent
No.2/complainant.

HARI PAL VERMA, J. (Oral)

Prayer made in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 142, dated 23.09.2012 for offence punishable under Sections 323/324/325/379/34 IPC, registered at Police Station B-Division, Amritsar, District Amritsar (Annexure P-1) on the basis of compromise/affidavits dated 30.01.2015 (Annexures P-2 to P-4).

On 04.05.2015, while issuing notice of motion, this Court has passed the following order:-

“It is inter alia contended that a compromise has been reached between the parties.

Notice of motion.

On the asking of Mr. Gazi Mohd., DAG, Punjab accepts notice on behalf of respondent No. 1 and Mr. GS Thind, Advocate who is present in Court accepts notice on behalf of respondent No. 2 and files power of attorney on his behalf in Court today and the same be taken on record. Learned counsel for respondent No. 2 does not dispute that a compromise has been reached between the parties.

List on 21.09.2015.

In the meanwhile, parties are directed to appear before the trial Court on 25.05.2015, to record their statements regarding the factum of compromise and ensure that the same is genuine, voluntary and without any threat, coercion or pressure. However, the original compromise bearing the signatures of all the petitioners and respondent No. 2 be also produced before the trial Court.

The trial Court shall send the report regarding genuineness of compromise and also the terms of settlement along with copies of the statements of the parties and the compromise before the next date.”

Pursuant to the aforesaid order dated 04.05.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Amritsar, has forwarded his report dated 17.09.2015 along with the statements of the parties to the effect that complainant, namely, Harwinder Singh has amicably settled the matter with the accused persons i.e. the present petitioners and the compromise entered between them is genuine, voluntary, without any coercion and undue influence.

Mr. B.S. Baath, Advocate, has put in appearance on behalf of respondent No.2/complainant and admit the factum of compromise entered between the parties.

In view of the compromise, respondent No.2-complainant, namely, Harwinder Singh, son of Ravinder Pal Singh, resident of House No. 4882/22, Mohan Nagar, Sultanwind Road, Amritsar, has suffered the following statement before the Magistrate, which is on the record in the file of CRM-M-No. 14157 of 2015 :-

“Stated that a cross case in FIR No. 142, dated 23.09.2012 under Sections 323/341/506 of IPC, P.S. B. Division, Amritsar was registered at the instance of Kulwinder Singh son of Ajit Singh against me. Amandeep Singh and Raj Rani. Now with the intervention of the respectables and common friends, a compromise has been effected between us. This compromise is without any pressure, threat or coercion. The said FIR and all consequential proceedings may be quashed against us. I have seen the original compromise in the file of cross case titled as State Vs. Kulwinder Singh, which is correct and bears my signatures.

RO & AC
Sd- Harwinder Singh

Sd/-
(\Shaminder Pal Singh)
JMJC 07.08.2015

Learned counsel for the State has also not disputed the factum of compromise entered 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 FIR qua the petitioners.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H) and approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and

FIR No. 142, dated 23.09.2012 for offence punishable under Sections 323/324/325/379/34 IPC, registered at Police Station B-Division, Amritsar, District Amritsar (Annexure P-1), on the basis of compromise/affidavits dated 30.01.2015 (Annexures P-2 to P-4), is hereby quashed.

September 21, 2015
Anjal

(HARI PAL VERMA)
JUDGE