

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 21187 of 2015

Date of decision: 21.09.2015

Baldev Raj 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. Anil Kumar Spehia, Advocate for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

Mr. S.K. Arya, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer made in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 125 dated 05.09.2010 for offence punishable under Sections 323/341/506/108/148/149 IPC, registered at Police Station Goraya, Distt Jalandhar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 22.05.2015 (Annexure P-2).

On 03.07.2015, this Court has passed the following order:-

“Notice of motion.

State counsel, who is present in Court, accepts notice on behalf of respondent No. 1 while Mr. S.K. Arya, Advocate, accepts notice on behalf of respondent No. 2 and files vakalatnama, which is taken on record.

Counsel for the parties submit that the parties have compromised the matter.

The parties are directed to appear before the trial Court on 13.08.2015 and the Magistrate shall record their statements along with opinion about the genuineness of the compromise. A report shall be made after doing the needful with further report as to whether any of the accused/petitioners was declared proclaimed offender at any stage and whether or not any other criminal case is pending against the accused, i.e. the petitioners.

Direction to record statements before the trial Court should not be taken to be any acknowledgment of the compromise.

Report of the Magistrate is awaited for 21.09.2015.”

Pursuant to the aforesaid order dated 03.07.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Phillaur and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Phillaur, has forwarded her report dated 02.09.2015 along with the statements of the parties to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Mr. S.K. Arya, 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, Davinder Singh son of Sh. Gurbachan Singh, resident of Mohhala Pakka Darwaja, P.S. Goraya, Tehsil Phillaur, District Jalandhar, has made the following Statement before the Magistrate :-

“I have compromised with all the accused Baldev Raj & others. Copy of my Adhar Card is Mark A. Copy of compromise is Mark B. The FIR in the present case

was registered on my statement. I have made my statement without any fear, undue influence and pressure and the compromise is result of my own free will. We will not take any action against each other in future. I have no objection if the FIR and proceedings against accused in this case FIR No. 125 dated 5.9.2010 under Section 323, 341, 506, 108, 148, 149 IPC P.S. Goraya are quashed.

Sd/-
(Himanshi Galhotra)
Sd- Davinder Singh Judicial Magistrate Ist Class,
Phillaur.12.08.2015”

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.125 dated 05.09.2010 for offence punishable under Sections 323/341/506/108/148/149 IPC, registered at Police Station Goraya, Distt Jalandhar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 22.05.2015 (Annexure P-2), are hereby quashed.

September 21, 2015
Anjal

(HARI PAL VERMA)
JUDGE