

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 22712 of 2015

Date of decision: 29.09.2015

Baldev Singh @ Mithu and others

----Petitioner(s)

V/s

State of Punjab and others

-----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. P.L. Singla, Advocate for the petitioners.

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

Ms. Sandeep Kaur, Advocate for respondents
No.2 & 3.

HARI PAL VERMA, J. (Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 45 dated 02.05.2015(Annexure P-1), under Sections 452, 323, 506, 427, 148 and 149 of the Indian Penal Code, registered at Police Station Nihal Singh Wala, District Moga and all consequential proceedings arising therefrom on the basis of the compromise dated 06.05.2015 (Annexure P-2).

On 15.07.2015, this Court has passed the following order:-

“Notice of motion to the Advocate General, Punjab, as well as, respondents no. 2 and 3, for 29.09.2015.

Parties will be at liberty to move application before the Illaqa Magistrate/trial Court to get their statements recorded with regard to genuineness of compromise. On doing so, the

Illaqa Magistrate/trial Court will record their statements with regard to the compromise on the date already fixed or some other date to be fixed by it and submit report to this Court by the next date by specifically stating whether the compromise is genuine and also state about the status/stage of the case. The Court shall also mention whether any of the accused is proclaimed offender and quashing sought is by all the accused.”

Pursuant to the aforesaid order dated 15.07.2015, the parties have appeared before learned Sub Divisional Judicial Magistrate, Nihal Singh Wala and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Sub Divisional Judicial Magistrate, Nihal Singh Wala has forwarded her report dated 01.08.2015 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 or undue influence.

Ms. Sandeep Kaur, Advocate has put in appearance on behalf of respondents No.2 & 3 and admit the factum of compromise entered between the parties.

In view of the compromise, respondent No.2-complainant, namely, Chandi Ram son of Mukand Lal son of Kheta Ram, aged 54-55 years, shopkeeper, resident of Nihal Singh Wala, District Moga, has made the following Statement before the Magistrate:-

“On the initiation of myself and my brother Vijay Kumar, case FIR no.45 dated 2.5.2015, under Section 452, 323, 506, 427, 148 read with Section 149 of Indian Penal Code, P.S. Nihal Singh Wala was got registered against Baldev Singh alias Mithu Son of Achhar Singh, Jasvir Singh alias Jassi son of Gurdeep Singh, Lakhvir Singh alias Ghona son of Ranjit Singh and Balwant Singh son of Baldev Singh, all residents of Village Rashid Khurd,

Tehsil Nihal Singh Wala, Distt. Moga. Now with the intervention of respectables, a compromise has been effected between both the parties for the betterment of the parties. Compromise is Ex. A1. This compromise is without any fear, greed or coercion. I have no objection, if the above mentioned FIR is quashed against all the accused.

RO & AC
Sd- Chandi Ram

Parinder Singh PCS
SDJM/N.S. Wala 29.7.2015”

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 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. 45 dated 02.05.2015(Annexure P-1), under Sections 452, 323, 506, 427, 148 and 149 of the Indian Penal Code, registered at Police Station Nihal Singh Wala, District Moga and all consequential proceedings arising therefrom on the basis of the compromise dated 06.05.2015 (Annexure P-2), are hereby quashed.

September 29, 2015
Anjal

(HARI PAL VERMA)
JUDGE