

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

**Criminal Misc. No. M-25284 of 2015
Date of Decision: 23.09.2015**

Gurvinder Singh

...Petitioner(s)

Versus

State of UT, Chandigarh & 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. Rajeev Gupta, Advocate
for the petitioner (s).

Mr. Gagandeep Singh Wasu, APP, UT Chandigarh.

Ms. Namita Kandhari, Advocate for
Mr. Shekhar Chaudhary, Advocate
for respondents no.2 to 6.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.278 dated 14.10.2012 under Sections 279, 337, 338 IPC registered at Police Station Industrial Area, UT, Chandigarh (Annexure P-1) on the basis of compromise dated 28.6.2015 (Annexure P-2).

This Court vide order dated 3.8.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court for recording

their statements with regard to the compromise/settlement dated 28.6.2015 (Annexure P2) and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 3.8.2015, the parties have appeared before the Judicial Magistrate Ist Class, Chandigarh and have got their statements recorded before her. Learned Magistrate has forwarded her report dated 14.9.2015 to the effect that the Court has enquired from complainant Talwinder Singh regarding the compromise in question and found that the parties have settled their dispute amicably and thus, on the basis of the statements suffered by the parties, the compromise entered between them is genuine, voluntary and without any coercion or undue influence. The statement of the complainant Talwinder Singh reads as under:-

"I have voluntarily compromised with the accused Gurwinder Singh and I have no objection if the FIR No.278 dated 14.10.2012 u/s 279, 337 and 338 IPC, P.S. Industrial Area, Chandigarh be quashed. I am giving my statement without any pressure, coercion and undue influence. I have seen the Compromise Deed Ex.DX in court file and same has been signed by me without any pressure, coercion and undue influence.

RO & AC
Sd/- (Talwinder Singh)
04.9.2015

Sd/-
Navjeet Klair/CHD/JMIC/
04.09.2015

Learned counsel for the petitioner contends that since the

complainant has now suffered a statement that he has compromised the matter and he has no objection if the present FIR is quashed, the present petition deserves to be accepted.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

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), as 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.278 dated 14.10.2012 under Sections 279, 337, 338 IPC registered at Police Station Industrial Area, UT, Chandigarh (Annexure P-1) is quashed, *qua* the petitioner, in view of compromise dated 28.6.2015 (Annexure P-2).

September 23, 2015
AK

(HARI PAL VERMA)
JUDGE