

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 25796 of 2015

Date of decision: 29.09.2015

Amarjit 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. Aditya Bath, Advocate for
Mr. Vikas Cuccria, Advocate for the petitioners.

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

Mr. Vinay Begra, Advocate for respondent
No.2/complainant.

HARI PAL VERMA, J. (Oral)

The present petition is for quashing of FIR No. 76 dated 16.07.2015, under Sections 323, 324, 353, 186, 34 of the Indian Penal Code and Section 156 of Railway Act, registered at Police Station GRP Amritsar and all consequential proceedings arising therefrom on the basis of the compromise dated 27.07.2015 (Annexure P-2).

On 06.08.2015, this Court has passed the following order:-

“The present petition is for quashing of First Information Report No. 76 dated 16.7.2015 registered under Sections 323, 324, 353, 186, 34 of the Indian Penal Code and Section 156 of Railway Act, at Police Station GPR Amritsar on the basis of the compromise arrived at between the parties.

Notice of motion for 29.9.2015.

Mr. Vinay Begra, Advocate has appeared and filed his power of attorney on behalf of respondent No.2. He has also affirmed the factum of compromise.

In view of the matter, the parties shall appear before the trial Court/ Area Magistrate on 25.8.2015 for getting their statements recorded with regard to the compromise arrived at between them. The learned trial Court/ Area Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. Magistrate in its report will specify the names of all the injured as well as of the accused and will also report if any of the accused has been declared proclaimed offender in the case.”

Pursuant to the aforesaid order dated 06.08.2015, the parties have appeared before learned Chief Judicial Magistrate, Amritsar and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Chief Judicial Magistrate Amritsar has forwarded her report dated 21.09.2015 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. Vinay Begra, 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, Pradeep Kumar son of Shisha Kumar, Train Guard Head Quarter Amritsar r/o 41-1 Smiyle Enclave Nagli Fatehgarh Churian Road, Amritsar, has made the following Statement before the Magistrate:-

“I have got registered FIR no.76 dated 16.7.2015 under Sections 323, 324, 353, 186, 34 IPC, police station, GRP Amritsar against accused Amarjit Singh, Manpreet Singh @ Sabbi, Jagmeet Singh @ Jaggu and Jagpreet Singh and now with the intervention of respectables, entire matter between me and the accused has been amicably settled. There is no other case pending except the present one. I have no objection, if the FIR no.76 dated 16.7.2015 under Sections 323, 324, 353, 186, 34 IPC, police station, GRP Amritsar is quashed.

*Sd/-
RO & AC (Yukti Goyal)
Sd- Pradeep Kumar CJM 28.8.15”*

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. 76 dated 16.07.2015, under Sections 323, 324, 353, 186, 34 of the Indian Penal Code and Section 156 of Railway Act, registered at Police Station GRP Amritsar and all consequential proceedings arising therefrom on the basis of the compromise dated 27.07.2015 (Annexure P-2), are hereby quashed.

September 29, 2015
Anjal

(HARI PAL VERMA)
JUDGE