

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

CRM-M- 26716 of 2015

Date of decision: 14.09.2015

Tarunbir Singh alias Tannu

----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. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.263, dated 14.7.2014 (Annexure P/1) registered at Police Station Civil Lines Amritsar City, District Amritsar for offence punishable under Sections 392, 394, 397, 307 and 323 IPC and all subsequent proceedings arising therefrom on the basis of compromise dated 5.8.2015 (Annexure P/2).

This Court vide order dated 12.08.2015, had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the Illaqa Magistrate/trial Court was directed to submit its report about the genuineness of the compromise, as per the statements so recorded.

Learned counsel for the petitioner contends that pursuant to the aforesaid order dated 12.08.2015, the parties have appeared before learned trial Court and have got their statements recorded.

Statement of the complainant in this case, namely, Arman Josan son of Sh. Gurjinder Singh resident of 21, Park Lane, Rani Ka Bagh, Amritsar, made before the learned Addl. Sessions Judge on 21.08.2015, reads as under:-

“I have compromised the matter with the accused willfully and without coercion and pressure. I have no objection if the case bearing FIR No. 263/2014, P.S. Civil Lines, under Section 374/397 etc. IPC be quashed by the Hon'ble High Court, Chandigarh in lieu of compromise deed Annexure A1 filed on record.”

On the basis of the statements so recorded by the parties, learned trial Court, has forwarded its report dated 31.08.2015, 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.

Learned counsel for the petitioner also contends that in view of the parameters laid down by Hon'ble the Supreme Court in **2014 (6) SCC, 466** titled as **“Narinder Singh and others Vs. State of Punjab and another”** the FIR on the basis of compromise under Section 307, IPC can be quashed if provided injury is not dangerous in nature.

Faced with the above, learned State counsel, on instructions from ASI-Sukhdev Singh submits that as per the medical record, the injury inflicted upon the complainant were simple in nature which is substantiated by Medial Record (Annexure P-3), which corroborates to the statement of Dr. Neha Sharma, Junior Resident Department of

Medicine Government Medical College Amritsar. He 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 petitioner. However, considering the fact that the FIR was registered on 14.7.2014 and the State machinery was put to its optimum use till date, the petitioner is liable to pay costs.

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, as well as in view of the judgment passed by Hon'ble the Supreme Court in **Narinder Singh and others Vs. State of Punjab and another**, 2014 (6) SCC, 466, this petition is allowed and FIR No.263, dated 14.7.2014 (Annexure P/1) registered at Police Station Civil Lines Amritsar City, District Amritsar for offence punishable under Sections 392, 394, 397, 307 and 323 IPC and all subsequent proceedings arising therefrom on the basis of compromise dated 5.8.2015 (Annexure P/2), are hereby quashed, subject to payment of costs of Rs.10,000/-, to be deposited with the District Legal Services Authority, Amritsar.

September 14, 2015
Anjal

(HARI PAL VERMA)
JUDGE