

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-No. 27856 of 2015

Date of decision: 24.09.2015

Mandeep Singh @ Gora and others

----Petitioner(s)

V/s

State of Punjab & 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. Jasmeet Singh Ghumman, Advocate for the petitioner.

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

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**HARI PAL VERMA, J. (Oral)**

Prayer in this petition is for quashing of FIR No.138 dated 24.11.2012 under Sections 452, 324, 323, 34 IPC; Section 326 IPC added subsequently, registered at Police Station Bhogpur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.8.2015 (Annexure P-2).

This Court, vide order dated 20.08.2015, has passed the following order:-

“Prayer in this petition is for quashing of FIR No.138 dated 24.11.2012 under Sections 452, 324, 323, 34 IPC registered at Police Station Bhogpur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.8.2015 (Annexure P-2).

Notice of motion for 24.9.2015.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 8.9.2015.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:

- (i) Number of persons arrayed as accused in FIR;
- (ii) Whether any accused is proclaimed offender; and,
- (iii) Whether the compromise is genuine, voluntary, and without any coercion or undue influence.

Pursuant to the aforesaid order dated 20.08.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and have got their statements recorded. On the basis of the statements so recorded, learned Judicial Magistrate Ist Class, Jalandhar 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.

In view of the compromise, respondent No.2-complainant, namely, Buta Singh son of Resham Singh, aged 42 years resident of village Rajpur, Tehsil Bhogpur, District Jalandhar, has made the following Statement before the Magistrate :-

*“Stated that as per the compromise dated 12.08.2015, I do not want to proceed with the present case. The said compromise is of my own will i.e. without any coercion pressure or undue influence effected upon me. I abide by all the terms and conditions enticed upon the said compromise. I have no objection if as per the compromise, all the accused namely Kulwant Kaur widow of late Paramjit Singh, Mandeep Singh, Ramandeep Singh sons of Paramjit Singh all residents of village Rajpur, Teshsil Bhogpur, District Jalandhar and Simranjit Singh son of*

*Joginder Singh resident of Mokalan tehsil & District Jalandhar are acquitted by the hon'ble court. My son Sandeep Singh also abide by the terms and conditions of the compromise dated 12.08.2015. The said compromise is enclosed and is annexed as Annexure A. I have placed on record my identity proof i.e. copy of my voter card alongwith copy of my adhar card (Original seen and returned)*

RO & AC  
Sd- Buta Singh

Sd/-  
( Prabhjot Kaur )  
JMIC/11.09.2015”

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.138 dated 24.11.2012 under Sections 452, 324, 323, 34 IPC; Section 326 IPC added subsequently, registered at Police Station Bhogpur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 12.8.2015 (Annexure P-2), are hereby quashed.

September 24, 2015  
Anjal

( HARI PAL VERMA )  
JUDGE