

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 28872 of 2015
Date of decision: 30.09.2015

Manjit Singh

V/s

----Petitioner(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. Karamjit Singh, Advocate for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Manjit Kaur, Advocate for the respondent
No.2/complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition is for quashing of FIR No.5 dated 06.01.2015 under Sections 304-A, 279 IPC, registered at Police Station Sadar Batala, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.1.2015 (Annexure P-2).

On 01.09.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of FIR No.5 dated 6.1.2015 under Sections 304-A, 279 IPC, registered at Police Station Sadar Batala, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.1.2015 (Annexure P-2).

Notice of motion for 30.9.2015.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their respective statements with regard to compromise/settlement on 9.9.2015.

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 01.09.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Batala and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Judicial Magistrate Ist Class, Batala, has forwarded her report dated 29.09.2015 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 or undue influence.

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

In view of the compromise, respondent No.2-complainant, namely, Charan Singh s/o Balwant Singh, resident of Village Amma, Tesil Batala, District Gurdaspur, has made the following Statement before the Magistrate:-

“That the present case FIR No.5 Dated 6.1.2015, under Section 304-A, 279 IPC, Police Station Sadar Batala, was registered against accused Manjit Singh s/o Darshan Singh, r/o village Jagdev Khurd, Tehsil Ajnala, District Amritsar, on my statement. Now the matter has been compromised between the parties with the intervention of respectable persons and relatives from the both sides. I do not want to proceed against the accused as I do not have any grudge against the petitioner/accused

and we want to live in society with peace and harmony and I have no objection if the present case FIR is quashed. I have suffered this statement without any pressure or coercion.

RO & AC
Sd- Charan Singh

Sd/-
Monika Chouhan, PCS
Judicial Maistrate Ist Class
Batala-24.9.2015”

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 petitioner.

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.5 dated 06.01.2015 under Sections 304-A, 279 IPC, registered at Police Station Sadar Batala, District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 21.1.2015 (Annexure P-2), are hereby quashed.

September 30, 2015
Anjal

(HARI PAL VERMA)
JUDGE