

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30692 of 2015

Date of decision: 09.10.2015

Inderjit Singh 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. Baljinder Singh Sra, Advocate for the petitioner(s).

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

HARI PAL VERMA, J.

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of case FIR No. 277, dated 14.06.2014 for offence punishable under Sections 452, 323, 506 and 34 IPC, registered at Police Station Nakodar, Distt. Jalandhar City (Annexure P-1), on the basis of compromise dated 18.08.2015 and affidavits dated 03.09.2015, Annexure P-2 (Colly.).

This Court vide order dated 10.09.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to the compromise and the Illaqa Magistrate/trial Court was directed to submit its report with regard to genuineness of the compromise.

Pursuant to the aforesaid order dated 10.09.2015, the parties appeared before Sub Division Judicial Magistrate, Nakodar and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 18.09.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure, threat or coercion and the same is genuine.

The statement of the complainant/injured i.e. respondent no.2, namely, Bachan Singh son of Sunder Singh, reads as under:-

“I am injured/complainant in the case FIR No.277 dated 14.06.2014 U/s 323, 452, 506, 34 of IPC, PS Sadar Nakodar and the said FIR was lodged by me against the accused (1). Inderjit Singh s/o Kehar Singh, (2) Makhan Singh s/o Motta Singh and (3) Rupinder Singh @ Happy s/o Sudesh Kumar all r/o Vill. Raheempur, Tehsil Nakodar, Distt. Jalandhar. Now I have effected a compromise with the accused persons with my own free will & without any kind of pressure. In view of the said compromise, I have no objection if such FIR in question is quashed against the said accused by the Hon'ble High Court.”

Sd/-

RO & AC

Sd/- Bachan Singh

(Mahesh Grover)

SDJM/Nakodar 18.09.2015”

Learned counsel for the State does not dispute the factum of compromise entered between the parties.

Apart from the statement of the complainant, whereby he has shown no objection to the FIR being quashed, 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. 277, dated 14.06.2014 for offence punishable under Sections 452, 323, 506 and 34 IPC, registered at Police Station Nakodar, Distt. Jalandhar City (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed, qua the petitioners, in view of the compromise dated 18.08.2015 and affidavits dated 03.09.2015, Annexure P-2 (Colly.).

October 09, 2015
Anjal

(HARI PAL VERMA)
JUDGE