

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 32013 of 2015

Date of decision: 07.12.2015

Amarjeet @ Amarjit 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. Vipul Aggarwal, Advocate for the petitioner(s).

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

Mr. Pardeep Rajput, Advocate for respondents No.2 to 4.

HARI PAL VERMA, J.

Prayer in this petition is for quashing of FIR No.82 dated 03.05.2015, under Sections 452, 323, 324, 148 and 149 IPC (Section 326 IPC added subsequently), registered at Police Station Kotwali Kapurthala, Distt. Kapurthala and all the subsequent proceedings arising thereto on the basis of compromise dated 12.08.2015 (Annexure P-2) and affidavit of respondent No.2 dated 06.07.2015 (Annexure P-3).

This Court vide order dated 18.09.2015 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.

Pursuant to the aforesaid order dated 18.09.2015, the parties appeared before Judicial Magistrate Ist Class, Kapurthala and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 24.11.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine.

The statement of the complainant-respondent no.2, namely, Gurbachan Singh-son of Mohinder Singh, aged about 45 years, resident of Nawa Pind Bathe, Tehsil and Disttt. Kapurthala, reads as under:-

“Stated that I am the resident of above said address and FIR No.82 dated 03.05.2015 PS Kotwali u/s 323 /324/334 IPC has been registered against us but with the intervention of respectables of locality and I have compromised with the petitioners namely Gurbachan Singh son of Mohinder Singh, Kulwinder @ Nirmal Singh sons of Gurbachan Singh and Balwinder Singh son of Gurbachan Singh all resident of Nawa Pind Bathe and live peacefully in our village. The matter has been compromised without any pressure, coercion, undue influence and is compromised voluntarily.”

Sd/-

*RO &AC
Sd/- Gurbachan Singh
07.10.2015.*

*Sumit Sabharwal
JMIC/Kapurthala*

Learned counsel for the State as well as learned counsel for respondents No. 2 to 4 have also not disputed 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.82 dated 03.05.2015, under Sections 452, 323, 324, 148 and 149 IPC (Section 326 IPC added subsequently), registered at Police Station Kotwali Kapurthala, Distt. Kapurthala and all the subsequent proceedings arising thereto are quashed, qua the petitioners, in view of compromise dated 12.08.2015 (Annexure P-2) and affidavit of respondent No.2 dated 06.07.2015 (Annexure P-3).

07.12.2015
Anjal

(HARI PAL VERMA)
JUDGE