

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M- 32186 of 2015

Date of decision: 07.12.2015

Gurbachan 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. Pardeep Rajput, Advocate for the petitioner(s).

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

Mr. Vipul Aggarwal, Advocate for respondents No.2 to 4.

HARI PAL VERMA, J.

Prayer in this petition is for quashing of cross case under Sections 323 and 324 read with Section 34 IPC registered vide rapat No. 36 dated 03.05.2015 (Annexure P-2) in case FIR No.82 dated 03.05.2015(Annexure P-1), Police Station Kotwali Kapurthala, Distt. Kapurthala and all the subsequent proceedings arising thereto on the basis of compromise dated 12.08.2015 (Annexure P-3) and affidavit of respondent No.2 dated 06.07.2015 (Annexure P-4).

This Court vide order dated 24.09.2015 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 24.09.2015, the parties have 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 complainant-respondent no.2, namely, Amarjit Singh-son of Bhajan Singh, has suffered a statement before learned Magistrate to the effect that he has no objection if the present cross version is quashed.

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 cross case under Sections 323 and 324 read with Section 34 IPC registered vide rapat No. 36 dated 03.05.2015 (Annexure P-2) in case FIR No.82 dated 03.05.2015(Annexure P-1), 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-3) and affidavit of respondent No.2 dated 06.07.2015 (Annexure P-4).

07.12.2015
Anjal

(HARI PAL VERMA)
JUDGE