

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33587 of 2015(O&M)

Date of decision: November 17, 2015

Avtar Singh & 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. Avtar S. Khinda, Advocate for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab.

Mr. D.S. Nigha, Advocate for respondents No. 2 to 4.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the cross-version, which was registered vide DDR No.44, dated 04.08.2014, under Sections 323, 324, 341, 148 and 149 IPC in case FIR No. 160, dated 04.08.2014, under Sections 323, 324, 341, 506, 148 and 149 IPC and Sections 325, 326 and 307 IPC added later on (Section 307 IPC deleted subsequently), registered at Police Station, Sultanpur Lodhi, Distt. Kapurthala (Annexure P-1) on the basis of compromise dated 23.12.2014 (Annexure P-3).

This Court vide order dated 05.10.2015 had directed the parties to appear before the trial Court on 16.10.2015 to get their statements recorded regarding the veracity of the compromise dated 23.12.2014 (Annexure P-3) and the learned trial Court was directed to submit its report along with the statements of the parties regarding the genuineness of the compromise.

Pursuant to the aforesaid order dated 05.10.2015, the parties have appeared before Sub Divisional Judicial Magistrate, Sultanpur Lodhi and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 04.11.2015 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.

Learned counsel for the petitioners submits that so far as the FIR No.160, dated 04.08.2014 is concerned, the same was quashed by this Court in CRM-M-No.18584 of 2015 titled as “Surinder Singh and others Vs. State of Punjab and others”. He also further submits that in view of the compromise arrived at between the parties, the present cross-version of the alleged FIR is also liable to be quashed.

Mr. D.S. Nigha, Advocate, has put in appearance on behalf of respondents No. 2 to 4 and admit the factum of compromise entered between the parties.

The statement of the complainant/respondent No.2, namely, Surinder Singh son of Labhu Ram, reads as under:-

“Stated that I have compromised the matter with petitioners/accused Avtar Singh son of Karnail Singh, Gurnam Singh son of Veer Singh, Phuman Singh son of Karnail Singh, Gurmeet Singh @ Bittu son of Gian Sing and Veer Singh son Munsha Singh, all r/o village Meere, P.S. Sultanpur Lodhi, Tehsil Sultanpur Lodhi, District Kapurthala, voluntarily without any pressure, threat or coercion with the intervention of respectables of the locality and our relatives, to keep harmony amongst the parties.

RO & AC
Sd/- Surinder Singh

Sd/-
(Manpreet Kaur)
SDJM/SPL, 16.10.2015”

Learned counsel for the State has 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-version i.e. DDR No.44, dated 04.08.2014, under Sections 323, 324, 341, 148 and 149 IPC in case FIR No. 160, dated 04.08.2014, under Sections 323, 324, 341, 506, 148 and 149 IPC and Sections 325, 326 and 307 IPC added later on (Section 307 IPC deleted subsequently), registered at Police Station, Sultanpur Lodhi, Distt. Kapurthala (Annexure P-1) is hereby quashed, qua the petitioners, in view of compromise dated 23.12.2014 (Annexure P-3).

November 17, 2015
Anjal

(HARI PAL VERMA)
JUDGE