

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-37480 of 2015
Date of Decision: 19.12.2015

Tarwinder Singh @ Kaka & others

...Petitioner(s)

Versus

State of Punjab & another

...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. M.S. Bajwa, Advocate
for the petitioners.

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

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.90 dated 6.9.2015 under Sections 323, 341, 379, 506, 148, 149 of the Indian Penal Code, 1860 registered at Police Station Subhanpur, District Kapurthala, (Annexure P-1) and consequential proceedings arising therefrom on the basis of compromise dated 12.9.2015 (Annexure P-2).

This Court vide order dated 2.11.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report regarding the genuineness of the compromise.

Pursuant to the aforesaid order dated 2.11.2015, 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 her report dated 4.12.2015 to the effect that the compromise has been reached between the parties voluntarily without any pressure or coercion.

Learned State counsel, on instructions from HC Manjit Singh, admits the factum of the compromise.

The statement of complainant Balvir Singh reads as under:-

“Stated that above said FIR No.90 dated 06/10/2015 u/s 323, 341, 379, 506, 148, 149 IPC was registered on my statement against accused namely Tarwinder Singh @ Kaka s/o Charan Singh, Harpreet Singh Kang @ Happy Kang s/o Paramjit Singh, Harjit Singh @ Jeeta s/o Satnam Singh, residents of Village Nadala, Balwinder Singh @ Vicky s/o Shingara Singh, Inderjit Singh @ Bijli s/o Kuldeep Singh, Navjit Singh s/o Kuljit Singh, residents of Village Billpur, PS Subhanpur, Distt. Kapurthala. Now with the intervention of respectables, I have compromised the matter with above named accused/respondents persons and now, I have no objection if the abovesaid FIR was cancelled/quashed.

RO&AC
Sd/- (Balvir Singh)

Sd/-
(Indu Bala)
JMIC/Kpt.”

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.90 dated 6.9.2015 under Sections 323, 341, 379, 506, 148, 149 of the Indian Penal Code, 1860 registered at Police Station Subhanpur, District Kapurthala, (Annexure P-1) and consequential proceedings arising therefrom are quashed, *qua* the petitioners, in view of compromise dated 12.9.2015 (Annexure P-2).

December 19, 2015
AK

(HARI PAL VERMA)
JUDGE