

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37812-2014

Date of Decision: November 16, 2015

Dr. Shamsheer Singh

...Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Dhruv Singla, Advocate for
Mr. J.S.Bagga, Advocate
for the petitioner.

Mr. P.S.Paul, DAG, Punjab.

Mr. J.K.Khetarpal, Advocate
for respondent No.2.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition filed, under Section 482, Cr.P.C., is for quashing of FIR No. 96, dated 24.04.2013, for the offences punishable under Sections 148, 452 and 506 read with Section 149 IPC, registered at Police Station, Phase-1, District SAS Nagar (Mohali) and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 27.01.2015, this Court had directed the parties to appear before the learned trial Court for getting their respective statements recorded with regard to the compromise.

In compliance of the above, the informant/complainant Amarjit Singh did appear before the Court below and suffered the following statement :-

“Stated that FIR of the present case was registered in terms of my statement against the accused. I have effected compromise with the accused. I effected the compromise voluntarily with accused without any pressure from any quarter. So, I do not want to pursue the FIR. I have no objection if the FIR is quashed on the basis of the compromise.”

The petitioner/accused suffered the following statement :-

“Stated that I have preferred CRM-M-37812 of 2014 under Section 482 of Cr.P.C. for quashing FIR No.96 dated 24.04.2013, U/s 452/506/148/149 IPC, P.S.Phase-1, Mohali on the basis of compromise. The said compromise was effected by us voluntarily without any pressure from any quarter.”

The report from the learned Chief Judicial Magistrate,

SAS Nagar (Mohali), is as under :-

"I have honour to submit that the case titled as State Vs. Munish Singh and others in FIR No.96 dated 24.04.2013, under Section 452/506/148/149 IPC, P.S.Phase-1, Mohali is pending before me and in the above mentioned Criminal Misc. Hon'ble Ms. Justice Rekha Mittal, Judge, Punjab and Haryana High Court, Chandigarh vide order dated 27.01.2015 has directed the parties to appear before this Court on 26.02.2015 to make their statements regarding compromise and accordingly parties appeared before this Court on 26.02.2015 and their separate statements were recorded which were countersigned by their respective counsels for identification purpose. From their statements, I am satisfied that the said compromise was effected between them is out of their free will and without any coercion and there is a valid compromise. There is one accused only and no one is P.O. Hence, the report is submitted accordingly with the copies of statements."

Learned counsel for the parties are also *ad-idem* that parties have resolved their dispute and effected a compromise (Annexure P-2) and as such the impugned FIR and all the

consequential proceedings emanating therefrom may be quashed.

After hearing learned counsel for the parties,going through the copies of the statements of the parties as well as the report received from the learned Court below and also taking into consideration the ratio of the judgment delivered by Hon'ble the Supreme Court delivered in the matter of **Gian Singh v. State of Punjab and another, 2012 (4) R.C.R. (Criminal) 543**, present petition is accepted and FIR No. 96, dated 24.04.2013, for the offences punishable under Sections 148, 452 and 506 read with Section 149 IPC, registered at Police Station, Phase-1, District SAS Nagar (Mohali) and all the consequential proceedings arising therefrom, are hereby quashed.

(NARESH KUMAR SANGHI)
JUDGE

November 16, 2015
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