

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

235

**Criminal Misc. No. M-39339 of 2014
Date of Decision: 09.10.2015**

Thomas Masih @ Dhillon

...Petitioner(s)

Versus

State of Punjab and 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. Dhruv Sihag, Advocate
for Mr. Sandeep Arora, Advocate for the petitioner (s).

Mr. S.S. Gill, DAG, Punjab.

Mr. S.S. Kainth, Advocate
for respondent No.2.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.145 dated 22.07.2010 under Sections 323, 324, 341, 506 IPC registered at Police Station Division No.8 Jalandhar (Annexure P-1) on the basis of compromise dated 14.7.2014 (Annexure P-2).

This Court vide order dated 18.11.2014 had directed the parties to appear before the Court of Sh. Simran Singh, Judicial Magistrate Ist Class, Jalandhar to get their statements recorded with regard to the compromise dated 14.7.2014 (Annexure P-2) and the

learned Magistrate was directed to submit its report, however petitioner could not appear. Again vide order dated 8.9.2015, parties were directed to appear before the Ld. Magistrate for getting their statements recorded.

Pursuant to the aforesaid order dated 08.09.2015, the parties appeared before Sh. Simran Singh, Judicial Magistrate Ist Class, Jalandhar and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 06.10.2015 to the effect that the compromise is genuine, voluntary and without any pressure, coercion or undue influence from any quarter.

The statement of complainant Sunil @ Sonu S/o Samuel-respondent No.2 reads as under:-

“Stated that on my statement the FIR No.145 dated 22.07.2010 under Sections 323, 324, 341, 506 IPC, P.S. Divn. no.8, Jalandhar was registered against accused Thomas Masih @ Dhillon son of Sarup Masih, resident of Chak Hussain, Lamba Pind, Jalandhar who is present in the court today and is challaned by the police. Now with the intervention of respectables of society, compromise has been effected with the above said accused person vide compromise deed Ex.C1 which was voluntarily executed between me and the above said accused person. The compromise is genuine and the same was arrived with the above said accused with my free will and without any pressure, coercion, force undue influence and inducement from any quarter. I identify my

signatures on the same. The accused persons have filed a quashing petition bearing CRM-No.39339 of 2014 on the basis of said compromise before Hon'ble Punjab & Haryana High Court. So in view of the voluntarily compromise with the above said accused person, I do not want to proceed with the present FIR. Now I have no grudge against the accused and I have no objection if the present FIR be quashed against the above said accused person Thomas Masih @ Dhillon son of Sarup Masih, resident of Chak Hussain, Lamba Pind, Jalandhar. I have also placed on record photo copy of my driving licence as Ex.C2 as identity proof. There is only one accused in this FIR and I have compromised with him. No any accused is proclaimed offender/person in this case. Earlier I was residing at H.No.BX 1133. Chak Hussain, Lamba Pind, Jalandhar but now at present I am residing in H.no.BX 1064/2 Chak Hussain, Lamba Pind, Jalandhar.”

Learned counsel for respondent no.2 does not dispute the factum of compromise and has 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.145 dated 22.07.2010 under Sections 323, 324, 341, 506 IPC registered at Police Station Division No.8 Jalandhar (Annexure P-1) and subsequent proceedings arising therefrom are quashed, *qua* the petitioner, in view of compromise deed dated 14.7.2014 (Annexure P-2).

October 09, 2015
SwarnjitS

**(HARI PAL VERMA)
JUDGE**