

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

CRM-M-4749-2015(O&M)

Date of Decision: September 16, 2015

Bhola Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Sherry K.Singla, Advocate
for the petitioners.

Mr.K.S.Pannu, DAG, Punjab
for respondent No.2.

None for respondent No.2.

.....

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 482, Cr.P.C.,
is for quashing of FIR No.90, dated 06.09.2013, for the offences
punishable under Sections 279 and 427, IPC, registered at Police
Station, Kot Fatta, District Bathinda, and all the consequential

proceedings arising therefrom, on the basis of compromise.

Vide order dated 12.02.2015, the affected parties were directed to appear before learned Trial Court for getting their respective statements recorded with regard to the compromise. The said Court was also directed to send its detailed report regarding genuineness of the compromise.

In compliance of the above, petitioners as well as respondent No.2-informant did appear before the Court below and got recorded their respective statements with regard to the compromise.

Respondent No.2-informant-Makhan Singh suffered the following statement:-

“Stated that I have compromise the matter with both the accused persons. The compromise is without any pressure, undue influence, coercion or threat and is the result of my free will. I have no objection if FIR No.90 dated 06.09.2013 under Sections 279 and 427, IPC, registered at Police Station Kot Fatta Distt. Bathinda, is quashed by the Hon’ble Punjab and Haryana High Court against both the accused persons namely, Guraditta Singh and Bhola Singh.”

The operative part of the report received from learned trial Court is as under:-

“Accordingly statements of petitioners/accused

namely Bhola Singh and Guraditta Singh and respondent/ complainant Makhan Singh have been recorded separately. Petitioners/accused namely Bhola Singh and Guraditta Singh stated that they have compromised the matter with the complainant. They have further stated that the compromise is without any pressure, undue influence, coercion or threat and is the result of their free will. They have prayed for quashing the FIR No.90 dt. 06.09.2013 under Sections 279 and 427, IPC, registered at P.S.Kotfatta, Distt.Bathinda against them. Similarly respondent/complainant Makhan Singh has made the statement that he has compromised the matter with both the accused persons. The compromise is without any pressure, undue influence, coercion or threat and is the result of his free will. He has no objection if the FIR No.90 dt.06.09.2013 under Sections 279 and 427, IPC, registered at P.S.Kotfatta, District Bathinda, is quashed by the Hon'ble Punjab and Haryana High Court against both the accused persons namely Guraditta Singh and Bhola Singh.

It is submitted that in view of above referred statements, this Court is of the view that parties have entered into compromise voluntarily and without undue influence, pressure and coercion. The compromise is genuine.”

Learned counsel for the petitioners submits that better sense has prevailed and both the private factions have resolved

their dispute and effected a compromise. He further submits that in view of the ratio of the judgment delivered by Hon'ble the Supreme Court in the matter of **Gian Singh v. State of Punjab and another**, 2012 (4) R.C.R. (Criminal) 543, and a 5-Judge Bench judgment of this Court in the case of **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), criminal proceedings can be quashed on the basis of compromise.

Learned counsel for the State on instructions from ASI Karamjeet Singh, Police Station, Kot Fatta, District Bathinda, very fairly concedes that both the private factions have resolved their dispute and effected a compromise and, as such, he has no objection if the impugned FIR and all the consequential proceedings arising therefrom are quashed on the basis of compromise.

After hearing the learned counsel for the parties, going through the copy of the statement of respondent No.2-informant- and the report received from learned trial Court, present petition is allowed. FIR No.90, dated 06.09.2013, for the offences punishable under Sections 279 and 427, IPC, registered at Police Station, Kot Fatta, District Bathinda, and all the

consequential proceedings arising therefrom are hereby
quashed.

September 16, 2015
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(NARESH KUMAR SANGHI)
JUDGE