

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M- 5888 of 2015  
Date of decision: 29.09.2015

**Rajinder Kumar Sharma & anr.** -----Petitioner(s)  
V/s

**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. Vikasdeep Singh, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Gurpreet Singh, Advocate for respondent  
No.2/complainant.

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**HARI PAL VERMA, J. (Oral)**

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the FIR No.19, dated 05.02.2012, for offence under Sections 323/324/326/34 IPC, registered at Police Station, Sultanpur, District Kapurthala(Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 07.01.2015 (Annexure P-2).

On 02.07.2015, this Court has passed the following order:-

“Prayer in this petition is for quashing of the FIR No.19, dated 05.02.2012, for offence under Sections 323/324/326/34 IPC, registered at Police Station, Sultanpur, District Kapurthala, on the basis of compromise dated 07.01.2015 (Annexure P-2).

Notice of motion was issued for 07.04.2015.

Thereafter, the case was adjourned for today i.e. 02.07.2015.

However, no one is present on behalf of respondent No.2.

Considering the fact the matter has been arrived at between the parties, the parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 08.09.2015.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well:-

- (i) number of persons arrayed as accused in FIR.
- (ii) whether any accused is proclaimed offender.
- (iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence.

List on 29.09.2015”

Pursuant to the aforesaid order dated 02.07.2015, the parties have appeared before learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, has forwarded her report dated 11.09.2015 along with the statements of the parties to the effect that the compromise entered between the parties is genuine, voluntary and the same has been effected without any coercion and undue influence.

Mr. Gurpreet Singh, Advocate has put in appearance on behalf of respondent No.2/complainant and admit the factum of compromise entered between the parties.

In view of the compromise, respondent No.2-complainant, namely, Bhupinder Singh son of Gurmej Singh, r/o Quarter No.582-B,

Type 2, RCF, Hussainpur, District Kapurthala, has made the following Statement before the Magistrate:-

*“Stated that, I have compromised the matter with petitioners/accused Rajinder Kumar Sharma son of Kashi Ram, r/o C-11, Railway Colony, Kapurthala, and Pawan Kumar son of Ram Lal, r/o Quarter No.609-C, Type 2, RCF, Hussainpur, 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. I have no objection, if the present FIR is quashed.*

|                                |                                                   |
|--------------------------------|---------------------------------------------------|
| RO & AC<br>Sd- Bhupinder Singh | Sd/-<br>( Manpreet Kaur)<br>SDJM/SPL/ 08.09.2015” |
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Learned counsel for the State has also not disputed the factum of compromise entered between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant FIR qua the petitioners.

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) and 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.19, dated 05.02.2012, for offence under Sections 323/324/326/34 IPC, registered at Police Station, Sultanpur, District Kapurthala (Annexure P-1) along with all subsequent proceedings arising therefrom on the basis of compromise dated 07.01.2015 (Annexure P-2), are hereby quashed.

**September 29, 2015**  
Anjal

**( HARI PAL VERMA )**  
**JUDGE**