

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

CRM-M-10142 of 2016
Date of decision: 05.12.2016

Satwinder Singh and another

----Petitioner (s)

V/s

State of Punjab and another

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. S.S. Sarwara, Advocate for the petitioner.

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

Mr.SPS Chhakal, Advocate for respondent
No. 2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.147 dated 04.08.2015 under Sections 382, 34 IPC and 25 of the Arms Act, registered at Police Station Phase-1, SAS Nagar, Mohali, Distt. SAS Nagar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 17.03.2016 (Annexure P-2).

This Court vide orders dated 21.03.2016 and 28.05.2016 had directed the parties to appear before 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 qua the genuineness of the compromise.

Pursuant to the aforesaid orders, the parties have appeared before learned Judicial Magistrate Ist Class, Mohali and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 23.06.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

The statement made by complainant-respondent No.2-Arvind before the learned Magistrate on 03.06.2016, reads as under:-

“I have compromised the matter with the accused Satvinder Singh and Arjan jeet Singh both son of Jarnail Singh arising out of FIR No.147 dated 04.08.2015 PS Ph-1, SAS Nagar, Mohali. The compromise has been reached at between me and the accused and I do not want to proceed with the present litigation against the accused. The said statement has been made by me without any pressure or fear and voluntarily with my own free will. The compromise shall enable me and our next generations to live a healthy and peaceful life without any ill will against each other. I have no objection if the FIR No.147 dated 04.08.2015 PS Ph-1, Mohali against the accused be quashed and the accused be acquitted.”

Apart from the statement made by respondents No.2, whereby he has shown 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.

Learned State counsel as well as learned counsel for respondent No.2 do not dispute the factum of compromise entered between the parties.

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.147 dated 04.08.2015 under Sections 382, 34 IPC and 25 of the Arms Act, registered at Police Station Phase-1, SAS Nagar, Mohali, Distt. SAS Nagar (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 17.03.2016 (Annexure P-2).

05.12.2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No