

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

CRM-M-10151 of 2016
Date of decision: 28.05.2016

Vishaldeep Singh and another

----Petitioner (s)

V/s

U.T. of Chandigarh 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.Brij Mohan, Advocate for
Mr. Simranjeet Singh Sarwara, Advocate
for the petitioners.

Mr.G.S. Chahal, APP, UT, Chanigarh.

Mr.S.P.S. Chakkal, Advocate
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.33 dated 31.01.2016 under Sections 324 and 34 IPC registered at Police Station Industrial Area, Chandigarh and all consequential proceedings arising therefrom on the basis of compromise dated 17.03.2016 (Annexure P-2).

This Court vide order dated 21.03.2016 had directed the parties to appear before the 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 order dated 21.03.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Chandigarh and

got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 25.04.2016 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 respondent No.2/complainant, namely shahid Khan @ Mohd. Sajid with regard to validity of the compromise before learned Magistrate on 12.04.2016, reads as under:-

“I have compromised the matter with accused with my own free will and without any coercion, pressure or threat from any quarter. I have no objection if the present FIR no.33 dated 31.01.2016 is quashed. Photocopy of compromise deed attached in the petition filed before the Hon'ble High Court is Ex.C1.”

Apart from the above statement made by complainant/respondent 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 counsel for the State-U.T. Chandigarh does not dispute the factum of compromise arrived at between the parties, however, on instructions from SI-Satnam Singh, submits that investigation in the case at the initial stage and challan has not been presented.

Learned counsel for respondents No.2-complainant also does not dispute the factum of compromise arrived at 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.33 dated 31.01.2016 under Sections 324 and 34 IPC registered at Police Station Industrial Area, Chandigarh and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 17.03.2016 (Annexure P-2).

28.05.2016
Anjal

[HARI PAL VERMA]
JUDGE