

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

CRM-M-11352 of 2016
Date of decision: 02.06.2016

Pappu @ Sikander Khan and others
V/s

-----Petitioner (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.Navjot Singh, Advocate for the petitioners.

Mr.R.S. Nain, AAG, Punjab.

None for respondent No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.52, dated 09.06.2014 under Sections 452/323/34 IPC, registered at Police Station Sandaur, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 05.03.2016 (Annexure P-2).

This Court vide order dated 01.04.2016 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 01.04.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Malerkotla

(Sangrur) and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 26.04.2016 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.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Ashraf Khan son of Abdul Gafoor, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 22.04.2016. The said statement reads as under:-

“I have compromised the matter with the accused persons namely Pappu @ Sikander Khan, Babbu @ Aais Mhd., Bhasihra in case FIR No.52 dated 09.06.2014 Under Sections 452/323/34 IPC Police Station City Sandaur without any pressure, coercion and without consuming any intoxicant substance and with the help of respectable persons. The quashing petition may kindly be accepted and the above mentioned FIR and other consequential proceedings may kindly be quashed.”

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 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.52, dated 09.06.2014 under Sections 452/323/34 IPC Police Station Sandaur, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 05.03.2016 (Annexure P-2).

02.06.2016

Anjal

**[HARI PAL VERMA]
JUDGE**