

235.

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

CRM-M-11379-2016 (O&M)

Date of decision:22.10.2016

Harveer Singh @ Honey and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurmeet Singh Guri, Advocate,
for the petitioners.

Mr.P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. N.S. Sidhu, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

CRM-27755-2016

Application is allowed, as prayed for and affidavits of petitioner No.2 (Pavittar Singh), petitioner No.3 (Manpreet Singh) and Gurmeet Singh on behalf of respondent No.2-Sarvpreet Singh (minor)-Annexures A-1 to A-3 respectively are taken on record.

CRM-M-11379-2016

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.44 dated 09.02.2016 under Sections 323, 324, 34, 506 of IPC, registered at Police Station City Khanna, Police District Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 05.03.2016 (Annexure P-3).

This Court vide order dated 04.04.2016 had directed the parties

to appear before the Illaqa Magistrate/trial Court to get their statements

recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Additional Civil Judge (Senior Division)-cum-SDJM, Khanna and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.04.2016 to the effect that the compromise effected between parties is genuine, voluntarily and without any pressure, coercion or undue influence.

Respondent No.2-complainant, namely, Sarvpreet Singh (who was minor at the time of registration of FIR), has made his statement with regard to compromise before learned Magistrate on 26.04.2016. The same is reproduced as under:-

“Stated that I have compromised the matter with accused Harvir Singh @ Honey, Pavittar Singh and Manpreet Singh with my free consent without any pressure or coercion from the side of accused. I have no objection if the FIR in question is quashed. Compromise is Ex. CX.”

Shri Gurmeet Singh-father of respondent No.2-Sarvpreet Singh- has also filed duly sworn in affidavit dated 03.09.2016 (Annexure A-3) whereby he has shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise 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 F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and**

another 2007 (3) RCR (Criminal) 1052 and approved by the Hon'ble Supreme Court in Gian Singh Versus State of Punjab and others (2012) 10 SCC 303, this petition is allowed and F.I.R. No.44 dated 09.02.2016 under Sections 323, 324, 34, 506 of IPC, registered at Police Station City Khanna, Police District Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 05.03.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

22.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.