

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No.M-11491 of 2016
Date of Decision: 03.06.2016

Saudagar Singh & others

...Petitioner(s)

Versus

State of Punjab & others

...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:- Ms. Madhu Dayal, Advocate for
Mr. Gursimran Singh, Advocate
for the petitioner.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.137 dated 28.10.2012 under Sections 452/323/324/148/149 of the Indian Penal Code, 1860 registered at Police Station Kartarpur, (Annexure P-1) on the basis of compromise (Annexure P-2).

This Court vide order dated 4.4.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements

recorded with regard to compromise and the trial Court was directed to submit its report regarding the compromise so effected.

Pursuant to the aforesaid order dated 4.4.2016, the parties have appeared before Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 24.5.2016 to the effect that the compromise is genuine, voluntary and without any coercion or undue influence.

The statement of Ekam Singh, complainant reads as under:-

“Stated that a case vide FIR No.137 dated 28.10.2012 was registered at P.S. Kartarpur under Sections 452, 323, 324, 148, 149 IPC against accused persons namely Saudagar Singh S/o Sadhu Singh, Arjinder Singh S/o Saudagar Singh, Kiratpal Singh S/o Onkar Singh, all residents of V.P.O. Rahimpur, District Jalandhar, Amarveer Singh S/o Avtar Singh R/o Village Sangwal, District Jalandhar, Joban Singh @ Jobanpreet Singh S/o Joga Singh R/o Village Gopalpur, District Jalandhar on the basis of my statement. Now with the intervention of respectables the matter has been voluntarily compromised with accused mentioned above out of my free will, without any pressure, coercion, undue influence and inducement etc. from any side. The compromise with the accused persons is genuine. The accused have filed quashing petition no.CRM-M-11491 of 2016 before Hon’ble Punjab & Haryana High Court on the basis of compromise which is fixed for 03.06.2016 in which the directions have been issued by the Hon’ble High Court to make the statement today. Now, I have no grudge against the accused persons. So I do not want to proceed with the present case and I have no objection if the present FIR be quashed against the accused persons. None of the accused is proclaimed offender in the present

case. I have also placed on record photo copy of my aadhar Card as Ex.C-2 as my identify proof.

RO & AC
Sd/-

Sd/-
(Puneet Mohinia) PCS
JMJC/18.04.2016/Jalandhar”

Apart from the above statement of complainant-respondent no.2, similar statement was also made by respondent no.3, 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 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.137 dated 28.10.2012 under Sections 452/323/324/148/149 of the Indian Penal Code, 1860 registered at Police Station Kartarpur, (Annexure P-1) is quashed, *qua* the petitioners, in view of compromise (Annexure P-2).

June 03, 2016
AK

(HARI PAL VERMA)
JUDGE