IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-11944 of 2016
Date of decision: 11.08.2016

JASRAJ SINGH @ SONU AND ANR **----Petitioner (s)**

V/s

STATE OF PUNJAB AND ANR **-----Respondent(s)**

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

Present:- Mr. T.P.S Makkar,, Advocate for the petitioners.

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

Mr. M.S.Sidhu, Advocate for respondent No.2-complainant.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.96 dated 23.12.2013 under Sections 336, 506, 341, 427 of IPC(challan against the petitioners was presented under Sections 336/506/341/427/34 IPC, read with Sections 27 of the Arms Act), registered at Police Station Kabarwala, District Sri Muktsar Sahib and all consequential proceedings arising therefrom on the basis of compromise dated 02.04.2016 (Annexure P-2).

This Court vide order dated 06.04.2016 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report alongwith the statements of the parties qua the genuineness of the compromise.

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Pursuant to the aforesaid order dated 06.04.2016, the parties have appeared before learned Civil Judge (Jr. Divn.)-cum-JMIC, Malout and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 02.07.2016 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 the complainant-respondent No.2, namely, Ramandeep Singh son of Shamsher Singh before the Magistrate on 29.04.2016, reads as under:-

> *"It is stated that the present case/FIR No.96 dated 23.12.2013 U/s. 336, 427/506/34 IPC and 54/59 Arms Act Police Station Kabarwala has been registered on the basis of my statement against the accused persons namely Jasraj Singh son of Jeet Singh and Balraj Singh son of Jeet Singh. I have arrived at a compromise in this matter with the accused persons with the intervention of the village Panchayat. The matter has been amicably sorted out between me and the accused persons. I have no grudge with the accused persons. The compromise has been arrived at voluntarily without any pressure, coercion by the other party and with my own sweet will. I do not want to proceed with the present case and I have no objection if the present case FIR and further proceedings are quashed against the accused persons."*

Apart from the statement of the 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 as well as learned counsel appearing for respondent-complainant does not dispute the factum of

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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.96 dated 23.12.2013 under Sections 336, 506, 341, 427 of IPC(challan against the petitioners was presented under Sections 336/506/341/427/34 IPC, read with Sections 27 of the Arms Act), registered at Police Station Kabarwala, District Sri Muktsar Sahib, and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 02.04.2016 (Annexure P-2).

11.08.2016 **[HARI PAL VERMA]**
Anjal **JUDGE**

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No

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