

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

CRM-M-12991 of 2016

Date of decision: 07.11.2016

Jatinder Singh and others

----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

Present:- Ms. Jasneet Nehra, Advocate for
Mr.L.M. Gulati, Advocate for the petitioners.

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

Mr. Rishu Mahajan, Advocate for respondents
No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.92 dated 06.09.2013 for offence under Sections 326/325/324/323/148/149 IPC, registered at Police Station “B” Div. Amritsar, Distt. Amritsar City (Annexure P-1) and all consequential proceedings arising thereto on the basis of compromise dated 08.03.2016 (Annexure P-2).

This Court vide order dated 21.04.2016 had directed the parties to appear before Illaqa Magistrate/the trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/the trial Court was directed to submit its report qua the genuiness of the compromise.

Pursuant to the aforesaid order dated 21.04.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 02.06.2016 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, *Gagandeep Singh @ Sonu son of Nathania* before the Magistrate on 25.05.2016, reads as under:-

“I registered an FIR bearing No.92/13 dated 06.09.2013 u/s 326/325/323/148/149 of IPC P.S. 'B' Division, Amritsar against Jatinder Singh @ Bau s/o Balbir Singh r/o Ekta Nagar, Chamrang Road, Amritsar, Dharam Pal s/o Sher Singh r/o Ekta Nagar, Chamrang Road, Amritsar, Kashmir Singh s/o Makhan Singh r/o Ekta Nagar, Chamrang Road, Amritsar, Satnam Singh @ Santu s/o Kashmir Singh r/o Ekta Nagar, Chamrang Road, Amritsar. Now I have entered into compromise with accused Jatinder Singh @ Bau s/o Balbir Singh r/o Ekta Nagar, Chamrang Road, Amritsar, Dharam Pal s/o Sher Singh r/o Ekta Nagar, Chamrang Road, Amritsar, Kashmir Singh s/o Makhan Singh r/o Ekta Nagar, Chamrang Road, Amritsar, Satnam Singh @ Santu s/o Kashmir Singh r/o Ekta Nagar, Chamrang Road, Amritsar without any undue influence and pressure. I have no objection if above said FIR is quashed or cancelled against Jatinder Singh @ Bau s/o Balbir Singh r/o Ekta Nagar, Chamrang Road, Amritsar, Dharam Pal s/o Sher Singh r/o Ekta Nagar, Chamrang Road, Amritsar, Kashmir Singh s/o Makhan Singh r/o Ekta Nagar, Chamrang Road, Amritsar, Satnam Singh @ Santu s/o Kashmir Singh r/o Ekta Nagar, Chamrang Road, Amritsar on the basis of compromise. The photocopy of the compromise deed Ex.X1”.

Apart from the statement of the complainant-respondent No.2- *Gagandeep Singh @ Sonu*, similar statement has also been suffered by respondent No.3-Prince Khokhar(statement attached with the file of CRM-M-No.24568 of 2016 i.e. cross-case) 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 respondents No.2 and 3 does not dispute the factum of 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.92 dated 06.09.2013 for offence under Sections 326/325/324/323/148/149 IPC, registered at Police Station "B" Div. Amritsar, Distt. Amritsar City (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 08.03.2016 (Annexure P-2).

07.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No