

280.

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

CRM-M-13368-2016

Date of decision:18.10.2016

Satinderjit Singh @ Shinder and others

.... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab,
for respondent No.1.

None for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.102 dated 26.08.2014 under Sections 323, 341, 148 and 149 of IPC (Section 308 of IPC was added later on), registered at Police Station City Phagwara, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.04.2016 (Annexure P-2).

Learned counsel for the petitioners states that PO proceedings were initiated against the petitioners but the same were quashed vide order dated 24.02.2016 passed in a bunch of cases i.e. in CRM-M-7796-2015 titled as Satinderjit Singh @ Sinder Versus State of Punjab and CRM-M-15632-2015, titled as Pardeep Singh Versus State of Punjab and CRM-M-15755-2015 titled as Sukhwinderpal Singh @ Raja Versus State of Punjab.

This Court vide order dated 25.04.2016 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 Sub Divisional Judicial Magistrate, Phagwara and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 25.05.2016 to the effect that the compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Jatinder Singh @ Ricky, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 20.05.2016. The same is reproduced as under:-

“Stated that I am the complainant of the present case and I have effected compromise with accused Satinderjit Singh @ Shinder son of Kulwant Singh, Harmanpreet Singh son of Antar Singh, Karamvir Singh son of Iqbal Singh, Sukhwinder Singh son of Mohan Singh, Pardeep Singh son of Amrik Singh. I do not wish to proceed with the present case. The compromise has been effected bona-fide, without any pressure, fear, inducement or threat and this compromise has been effected in the interest of lasting peace. I have got no objection if the FIR case alongwith all consequential proceedings are quashed by the Hon'ble Punjab and Haryana High Court. I am fully satisfied with the compromise.”

Learned State counsel has 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.102 dated 26.08.2014 under Sections 323, 341, 148 and 149 of IPC (Section 308 of IPC was added later on), registered at Police Station City Phagwara, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 14.04.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

18.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.