

270.

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

CRM-M-13560-2016

Date of decision:02.08.2016

Palwinder Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Ashok Giri, Advocate,
for the petitioners.

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

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.36, dated 08.04.2016 under Sections 336 & 34 of IPC and Section 25 of Arms Act, 1959, registered at Police Station Singh Bhagwantpur, District Ropar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.04.2016 (Annexure P-2).

This Court vide order dated 25.04.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Rupnagar and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 23.05.2016 to the effect that the

compromise effected between parties is without any pressure or coercion.

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

“Stated that the FIR no.36 dated 08.04.2016 u/s 336, 34 of IPC and u/s 25/54/59 Arms Act at PS Singh Bhagwantpur Distt Rupnagar has been lodged against accused Palwinder Singh, Harjit Singh and Sukhdeep Singh on my statement. The respectable persons of my society have intervened in the present matter. On the basis of intervention and counseling by the respectable persons of the society, I have entered into compromise Ex.PX with the accused party. I have entered into compromise without any fraud, threat, undue influence and coercion from any corner. The compromise has been entered into by me with my free will. I want to lead a peaceful social life. I have no objections if the FIR against the accused is quashed and he is set at liberty by Hon'ble court.”

The 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.36, dated 08.04.2016 under Sections 336 & 34 of IPC and Section 25 of Arms Act, 1959, registered at Police Station Singh Bhagwantpur, District Ropar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.04.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.08.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.