

271.

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

CRM-M-13586-2016

Date of decision:02.08.2016

Sukhjinder Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

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

Mr. D.S. Kahlon, Advocate,
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.79, dated 20.12.2015 under Sections 323/324/341/148/149 IPC, registered at P.S. Shri Hargobindpur, Tehsil and District Batala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (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, Batala and have got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 01.06.2016 to the effect that the compromise between parties has been arrived at voluntary and without

undue influence, pressure or coercion.

Respondent No.2-complainant, namely, Harpal Singh has made his statement with regard to the compromise before learned Magistrate on 20.05.2016. The same is being reproduced as under:-

“That the above noted case FIR No.79 of 20.12.2015 u/s 323/324/341/148/149 Indian Penal Code, Police Station Sri Hargobind Pur was registered on my statement against the accused persons namely Sukhjinder Singh son of Darshan Singh, Balraj Singh son of Ranjit Singh, Gural Singh son of Jaswinder Singh, Surinder Singh son of Ajit Singh, residents of Village Mahettewal (Vithwan) Police Station Sri Hargobindpur and Sukhraj Singh son of Satnam Singh resident of village Varian, Police Station Sri Hargobindpur. Now with the intervention of the respectable the matter stand compromised and I have no grudge against the accused persons. Now I have no objection if the present FIR is quashed. I have given this statement without any coercion, pressure and with my own free will.”

The learned State counsel as well as learned counsel for respondent No.2 have 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.79, dated 20.12.2015 under Sections 323/324/341/148/149 IPC, registered at P.S. Shri Hargobindpur, Tehsil and District Batala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.08.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.