

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

CRM-M-13999 of 2016

Date of decision: 24.10.2016

Gurwinder Singh & others

-----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

Present:- Mr.Vikram Jeet Singh, Advocate
Mr.Aman Pal, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Neeraj Sheoran, Advocate for respondent
Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.22 dated 01.03.2014 for offence under Sections 323/427/436/452/148/149 IPC (subsequently Sections 307 & 325 IPC added, however, Section 307 IPC deleted later on) registered at Police Station Nehianwala, District Bathinda and all consequential proceedings arising therefrom on the basis of compromise/affidavit dated 09.02.2016 (Annexure P-3).

This Court vide order dated 27.04.2016, while recording the contention of learned counsel for the petitioners to the effect that though

initially Section 307 IPC was added in the FIR in question, but it has been deleted later on, as there was no fire arm injury, had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 27.04.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Bathinda and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 27.05.2016 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.

Joint statement made by the complainant-respondent No.2, namely, *Sarabjit Kaur widow of Baldev Singh* and respondent No.3-*Veer Singh son of Kirpal Singh*, before the Magistrate on 23.05.2016, reads as under:-

“State that with the intervention of respectable persons and relatives a compromise has been effected between me and accused Gurwinder Singh, Beant Singh, Sukhmander Singh and Binder Singh @ Vinder Singh, resident of village Lakhi Jangal, District Bathinda and dispute has been amicably settled. Our compromise has been effected without any pressure. I am agreee with the compromise. Now there is no dispute between me and accused party and FIR no.22 dated 01.03.2014 under Section 307, 325, 323, 427, 436, 452, 148,149 IPC PS Nehian Wala, against accused persons may kindly be quashed.”

Apart from the statement of the respondent Nos.2 & 3, whereby they have 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.

Mr. Neeraj Sheoran, Advocate, has put in appearance on behalf of respondents No. 2 and 3 and filed Power of Attorney in Court today which is taken on record. He does not dispute the factum of compromise entered between the parties.

Learned counsel for the State has also not disputed 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.22 dated 01.03.2014 for offence under Sections 323/427/436/452/148/149 IPC (subsequently Sections 307 & 325 IPC added, however, Section 307 IPC deleted later on), registered at Police Station Nehianwala and all other consequential proceedings arising therefrom are quashed, qua the petitioners, in view of the compromise/affidavit dated 09.02.2016 (Annexure P-3).

24.10.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? ***Yes***

Whether reportable? ***Yes/No***