

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

**Criminal Misc. No. M-16042 of 2013
Date of Decision:-25.02.2016**

Lakhvir Singh

..Petitioner

Versus

State of Punjab and others

...Respondents

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

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mrs. Sushma Chopra, Advocate for the petitioner(s).

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Jasdev Singh Thind, Advocate for
representatives/legal heirs of respondent
No.2/complainant-Mohinder Singh.

HARI PAL VERMA J.(Oral)

Prayer in this petition, filed under Section 482 Cr.P.C. is for quashing of FIR No. 306, dated 29.11.2008 (Annexure P-1) for offence under Sections 323, 324, 341 and 34 IPC (lateron 326 IPC was added), registered at Police Station, Shahkot, District-Jalandhar and all the consequential proceedings arising therefrom on the basis of compromise dated 10.05.2013(Annexure P-2).

This Court vide order dated 01.07.2015 had directed the parties to appear before the trial Court to get their statements

recorded with regard to compromise and the trial Court was directed to submit its report about the genuineness of the compromise.

Learned counsel for the petitioner contends that during the pendency of the present petition, the complainant, namely, Mohinder Singh son of Sohan Singh, has died. As far as his legal heirs are concerned, they have submitted their affidavits in support of the compromise, but they are residing abroad. She further contends that though the petitioner was a proclaimed offender in the case, but since the other co-accused, who was named in the impugned FIR has already been acquitted by the Court vide order dated 16.05.2013, the case of the petitioner is covered with the ratio laid down by a Division Bench Judgement of this Court in the case of **Sudo Mandal alias Diwarak Mandal Vs. State of Punjab**, 2011(2) RCR (Criminal) 453 .

Mr. Jasdev Singh Thind, Advocate has put in appearance on behalf of legal heirs of deceased-respondent No.2/complainant-Mohinder Singh i.e. 2(i) Ajaib Singh and 2(ii) Kuldeep Singh and admits the factum of compromise effected between the parties. He has produced a copies of affidavits of Ajaib Singh and Kuldeep Singh, who are legal heirs of complainant-Mohinder Singh(since deceased). The said affidavits are taken on record.

Learned counsel for the State, on instructions from ASI-Tirath Singh, does not dispute the aforesaid fact.

The allegation against the petitioner is that he raised a 'lalkara' in the aforementioned FIR, but the fact remains that the injured/complainant-Mohinder Singh entered into a compromise dated 10.05.2013(Annexure P-4), during his life time and it is on that

basis the quashing petition under Section 482 Cr.P.C. has been filed before this Court. Furthermore, the legal heirs of complainant/deceased-Mohinder Singh, namely, Ajaib Singh and Kuldeep Singh have submitted their affidavit and do not controvert the factum of compromise.

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**, as well as Division Bench judgment of this Court in **Sudo Mandal alias Diwarak Mandal's case (supra)**, this petition is allowed and FIR No. 306, dated 29.11.2008 (Annexure P-1) for offence under Sections 323, 324, 341 and 34 IPC (lateron 326 IPC was added), registered at Police Station, Shahkot, District-Jalandhar and all the consequential proceedings arising therefrom, qua the petitioner are quashed, in view of the compromise dated 10.05.2013 (Annexure P-2).

25.02.2016
Anjal

(HARI PAL VERMA)
JUDGE