

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-14292 of 2016

Date of Decision: 19.05.2016

Sukhdip Singh & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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:- Mr. Gaurav Chopra, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. M.L. Saggar, Sr. Advocate with
Mr. Rohit Joshi, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 CrPC is for quashing of FIR No.239 dated 5.12.2009 under Sections 447/511/506/148/149 IPC registered at P.S. Sadar, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise/agreement dated 17.6.2015 (Annexure P-2) executed between the parties.

This Court vide order 29.4.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get

their statements recorded with regard to compromise and learned Illaqa Magistrat/trial Court was directed to submit his report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 13.5.2016 to the effect that the matter has been compromised between the parties voluntarily as they do not want to litigate any further. The statement of Kartar Singh, complainant-respondent no.2, reads as under:-

“That I had lodged FIR no.239 dt.05.12.2009 U/s 447, 511, 506, 148, 149 IPC, PS Sadar, Ludhiana against the accused Sukhdeep Singh son of Satwant Singh, Ranjit Singh son of Sukhwant Singh, Balwinder Singh son of Bikkar Singh, Mohabbat Singh son of Bikkar Singh, Bikkar Singh son of Kartar Singh, all residents of VPO Daad, PS Sadar, Ludhiana, Ludhiana City, Punjab. That I have compromised the matter with all the accused on the basis of compromise and the original has been placed in the petition file before the Hon’ble High Court. I have no objection if the FIR is quashed. That I am the complainant in the said FIR and today, I am giving my statement out of my free will and consent, without any coercion and there is no pressure on me.

RO & AC
Sd/- (Kartar Singh)

Sd/-
Rajinder Singh, PCS
Judicial Magistrate Ist Class,
Ludhiana/09.05.2016.”

Complainant-respondent no.2 - Kartar Singh is also present in Court and has been identified by Mr. Rohit Joshi, Advocate, learned instructing counsel to Mr. M.L. Saggar, Sr. Advocate appearing on behalf of the respondent no.2. He admits his statement recorded before Judicial Magistrate Ist Class, Ludhiana.

There is nothing on record to doubt the genuineness of the compromise so arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

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.239 dated 5.12.2009 under Sections 447/511/506/148/149 IPC registered at P.S. Sadar, Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom are quashed *qua* the petitioners, in view of compromise/agreement dated 17.6.2015 (Annexure P-2).

May 19, 2016
AK

(HARI PAL VERMA)
JUDGE