

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

CRM-M-14883 of 2016

Date of decision: 16.11.2016

Kulbardhan Sharma & others

-----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

Present:- Mr. J.S. Moudgil, Advocate for the petitioners.

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

Mr. Gopal Singh Nahel, Advocate
for respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.56 dated 23.04.2016 under Sections 307, 341, 323, 506, 148 and 149 IPC, registered at Police Station Chajjli Distt. Sangrur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 26.04.2016 (Annexure P-2).

Learned counsel for the petitioners contends that FIR was lodged on 23.04.2016 and the matter was compromised on 26.04.2016. Though, the injury attracting Section 307 IPC was caused on the head of Nahar Singh by petitioner No.1- Kulbardhan Sharma, but he was discharged from hospital on the very next day. Therefore, said injury was not dangerous

to life. As such, the judgement of Hon'ble the Apex Court passed in **State of M.P. and another Vs. Rajveer Singh and others, 2016(3) R.C.R. (Criminal) 176**, is not an impediment for quashing of FIR on the basis of compromise, as the injury caused to the complainant-victim in that case was grave and fatal in nature, as the same could not be cured. He further submits that though the offence under Section 307 IPC has been added in the FIR, however same falls within the parameters laid down by the Hon'ble Apex Court in **Narinder Singh and others Versus State of Punjab and another, 2014(2) RCR (Criminal) 482**.

This Court vide order dated 02.05.2016 had directed the parties to appear before Illaqa Magistrate/the trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/the trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 02.05.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Sunam and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 25.05.2016 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 complainant-respondent No.2-Nahar Singh and respondents No. 3 and 4, namely, Uggar Singh and Amritpal Singh before the learned Magistrate on 24.05.2016 with regard to validity of compromise, reads as under:-

“Stated that FIR No.56 dated 23.04.2016 under Sections 307, 341, 323, 506, 148, 149 IPC Police Station Chhajli was registered on their statement. We have compromised with the

accused. The compromise is voluntarily with free consent and without any coercion undue influence or fear. We have no objection if FIR is quashed. There is total four accused in the present case. No accused is P.O. in this case.”

Apart from the above statement, whereby respondents No. 2 to 4 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.

Learned State counsel as well as learned counsel for respondents No. 2 to 4 do not dispute the factum of compromise entered into between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052 (P&H)** and as approved by Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others (2012)10 SCC 303** as well as **Narinder Singh's case(supra)**, this petition is allowed and FIR No.56 dated 23.04.2016 under Sections 307, 341, 323, 506, 148 and 149 IPC, registered at Police Station Chajjli Distt. Sangrur (Annexure P-1) and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 26.04.2016 (Annexure P-2).

16.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No