

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

CRM-M-15707 of 2016

Date of decision: 16.11.2016

Uggar Singh & others

-----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

Present:- Mr.Gopal Singh Nahel, Advocate for the petitioners.

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

Mr. J.S. Moudgil, Advocate
for respondents No.2 to 5.

HARI PAL VERMA, J.(Oral)

Prayer made in this petition filed under Section 482 Cr.P.C. is for quashing of cross-case i.e. DDR No.5 dated 24.4.2016 under Sections 307, 341, 323, 506, 148, 149 IPC, recorded in case FIR No.56 dated 23.4.2016, under Sections 307, 341, 323, 506, 148, 149 IPC, registered at Police Station Chhajli, District Sangrur and all the proceedings subsequent arising thereto on the basis of compromise dated 26.04.2016 (Annexure P-3).

Learned counsel for the petitioners contends that so far as the injury attracting Section 307 IPC is concerned, the same was caused to Dawinder Singh and was attributed to Kewal Singh, but the injured- Dawinder Singh was discharged from hospital on the very next day.

Therefore, said injury was not grievous in nature. Similarly, though the injury caused to Mandeep Singh was on the head, but he was also discharged from hospital on the very next day, whereas injury caused to Kulvardhan Sharma was on a non-vital part of the body. 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 the injuries caused to the complainant's side falls within the parameters laid down by the Hon'ble Apex Supreme Court in **Narinder Singh and others Versus State of Punjab and another, 2014(2) RCR (Criminal) 482**.

This Court vide order dated 09.05.2016 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 genuiness of the compromise.

Pursuant to the aforesaid order dated 09.05.2016, 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 respondents No. 2 to 5, namely,
Dawinder Singh, Kulvardhan Sharma, Anand Vardhan and Mandeep Singh

before the learned Magistrate on 24.05.2016 with regard to validity of compromise, reads as under:-

“Stated that DDR No.5 dated 24.04.2016 under Sections 307, 341, 323, 506, 148, 149 IPC in case FIR No.56 dated 23.04.2016 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 DDR/FIR is quashed. Inadvertently at the time of filing petition under Section 482 of Cr.P.C. name of village are wrongly mentioned.”

Apart from the above statement, whereby respondents No. 2 to 5 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 5 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 cross-case i.e. DDR No.5 dated 24.4.2016 under Sections 307, 341, 323, 506, 148, 149 IPC, recorded in case FIR No.56 dated 23.4.2016, under Sections 307, 341, 323, 506, 148, 149 IPC,

registered at Police Station Chhajli, District Sangrur and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 26.04.2016 (Annexure P-3).

16.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>Yes/No</i>