

264.

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

CRM-M-16167-2016

Date of decision:07.09.2016

Joginder Ram @ Joginder Singh

... Petitioner

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Manbir Singh Batth, Advocate,
for the petitioner.

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

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing/setting aside of F.I.R. No.67 dated 25.06.2015 (Annexure P-1) under Section 324 IPC {offence under Section 326 IPC was added lateron vide Diary No.23 dated 11.03.2016 & offence under Section 324 IPC was deleted (Annexure P2)}, registered at Police Station Rahon, District SBS Nagar and all subsequent proceedings arising therefrom on the basis of compromise dated 29.04.2016 (Annexure P-3).

This Court vide order dated 11.05.2016 had directed the parties to appear before the Ilaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar and got

their statements recorded. On the basis of the statements so recorded,

learned Magistrate has submitted the report dated 02.06.2016 to the effect that the parties have entered into compromise with their own free will without any outside pressure and, therefore, it seems to be genuine.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Parminder Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 31.05.2016. The same is being reproduced as under:-

“Stated that FIR no.67 dated 25.06.2015 was registered against accused Joginder Singh son of Mehar Chand resident of Village Salempur, PS Rahon under Section 324 IPC on the basis of my statement. Now with the intervention of the respectable of both the sides, the matter has been compromised. The compromise has been effected with my own sweet will without any outside pressure. The photocopy of the said compromise is Ex.C1. I have no objection if the FIR is quashed and accused is acquitted. I am making this statement with my own sweet will.”

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.67 dated 25.06.2015 (Annexure P-1) under Section 324 IPC {offence under Section 326 IPC was

added lateron vide Diary No.23 dated 11.03.2016 & offence under Section 324 IPC was deleted (Annexure P2)}, registered at Police Station Rahon, District SBS Nagar and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 29.04.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

07.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.