

265.

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

CRM-M-16431-2016

Date of decision:07.09.2016

Karanpartap Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Daljeet Singh Kahlon, Advocate,
for the petitioners.

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

Mr. Amit Jain, Advocate, for
Mrs. Mandeep Kaur Kahlon, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross case DDR No.12 dated 10.07.2015 under Sections 324/323/148/149 IPC in FIR No.45, dated 30.06.2015, under Sections 323/324/341/379/427/148/149 IPC, registered at Police Station Shri Hargobindpur, Tehsil Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 30.12.2015 (Annexure P-2).

This Court vide order dated 12.05.2016 had directed the parties to appear before the Illaqa 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 Judicial Magistrate Ist Class, Batala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 29.07.2016 to the effect that the compromise between parties has been arrived at voluntary and without undue influence, pressure and or coercion.

Respondent No.2-complainant, namely, Jugraj Singh has made his statement with regard to the compromise before learned Magistrate on 31.05.2016. The same is being reproduced as under:-

“That the above noted Cross version case was registered vide DDR No.12/10.07.2015 in FIR No.45 of 30.06.2015 u/s 323/324/341/379/427/148/149 Indian Penal Code, Police Station Sri Hargobind Pur on my statement against the accused persons namely Karanpartap Singh son of Kirpal Singh, Prabjot Singh son of Balwinder Singh, Shahbaz Singh @ Bazz son of Partap Singh, Srabjit Singh son of Satnam Singh, Balwinder Singh son of Mohinder Singh and Kirpal Singh son of Mohinder Singh, residents of Village Aulkh Kalan, Police Station Sri Hargobind Pur. Now with the intervention of the respectable the matter stand compromised and I have no grudge against the accused persons. Now I have no objection if the present FIR is quashed. I have given this statement without any coercion, pressure and with my own free Will.”

Learned State counsel as well as learned counsel for respondent No.2 have 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 case.

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 DDR No.12 dated 10.07.2015 under Sections 324/323/148/149 IPC in FIR No.45, dated 30.06.2015, under Sections 323/324/341/379/427/148/149 IPC, registered at Police Station Shri Hargobindpur, Tehsil Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 30.12.2015 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

07.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.