

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

CRM-M-16703 of 2016

Date of decision: 02.09.2016

Amrik Singh and another

----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

Present:- Ms. Mandeep Kaur, Advocate for the petitioners.

Mr. Neeraj Sharma, AAG, Punjab.

Ms. Lovedeep Kaur, Advocate for
Mr. Divjyot S.Sandhu, Advocate for respondents
No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.95 dated 29.10.2014 under Section 452, 323 and 34 IPC, registered at Police Station Bholath, District Kapurthala and all consequential proceedings arising therefrom on the basis of compromise dated 02.05.2016 (Annexure P-2).

This Court vide order dated 13.05.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 13.05.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has forwarded her report dated 23.06.2016 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.

The statement made by the complainant-respondent No.2, namely, *Krishan Kaur* wife of Balkar Singh before the Magistrate on 02.06.2016, reads as under:-

“State that I am the respondent in the present case FIR No.95 dated 29.10.2014, under Sections 452/323/34 IPC, was got registered at P.S. Bholath Kapurthala, on my statement against Amrik Singh son of Gian Singh and Amarjit Kaur wife of Paramjit Singh, all resident of Village Akala, the, Bholath and Distt. Kapurthala. The matter in dispute has been compromised amicably with the intervention of the respectables of society between me and above said Amrik Singh son of Gian Singh and Amarjit Kaur wife of Paramjit Singh all resident of village Akala, the. Bholath and Distt. Kapurthala. Both the parties are relatives with each other. We have compromised the matter voluntarily and without any coercion or undue influence. There is no case is pending against either of the parties. There is two accused in this FIR namely Amarjit Kaur and Amrik Singh. Nobody has been declared proclaimed person in the present FIR. There is no pendency of any P.O. proceedings against any of the parties. I have no objection if the accused are acquitted of charge/FIR is quashed.”

Apart from the statement of the complainant-respondent No.2-*Krishan Kaur*, respondent No.3-Sukhwinder Singh son of Balkar Singh has also made similar statement whereby he has 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 counsel for the State as well as learned counsel appearing for respondents No.2 and 3 does not dispute the factum of compromise entered between the parties.

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.95 dated 29.10.2014 under Section 452, 323 and 34 IPC, registered at Police Station Bholath, District Kapurthala, and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 02.05.2016 (Annexure P-2).

02.09.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No