

270.

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

CRM-M-17507-2016

Date of decision:20.10.2016

Sonu Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Harpreet Singh Dandiwal, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. Sanjeev K. Virk, 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 version which was recorded vide DDR No.28(A) dated 19.10.2009 under Sections 324, 148, 149 IPC, Police Station Kapurthala City, District Kapurthala in FIR No.279 dated 18.10.2009 under Sections 323, 451, 148, 149 IPC, Police Station Kapurthala City, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.04.2016 (Annexure P-3).

This Court vide order dated 19.05.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded 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, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 22.07.2016 to the effect that the compromise seems to be resolved amicably, is genuine and without any threat, coercion or pressure.

Respondent No.2-complainant, namely, Ajay Kumar has made his statement with regard to compromise before learned Magistrate on 03.06.2016. The same is reproduced as under:-

“Stated that I am the complainant of the present case. I have registered a case vide DDR No.28 dated 19.10.2009 under Sections 324/148/149 IPC, P.S. City Kapurthala against the accused. Now, I have compromised with accused Sonu son of Nath Singh, Manga Singh son of Sucha Singh, Satnam Singh son of Sucha Singh, Jarnail Singh son of Gurdip Singh, Jagtar Singh son of Resham Singh, all residents of village Bahui, Shekhupur, Kapurthala on 27.04.2016. I do not want to proceed with the present case. I made a statement without any pressure, coercion or any inducement.”

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 cross version which was recorded
vide DDR No.28 (A) dated 19.10.2009 under Sections 324, 148, 149 IPC,
Police Station Kapurthala City, District Kapurthala in FIR No.279 dated
18.10.2009 under Sections 323, 451, 148, 149 IPC, Police Station
Kapurthala City, District Kapurthala (Annexure P-1) and all subsequent
proceedings arising therefrom are quashed qua the petitioners on the basis
of compromise dated 27.04.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

20.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.