

263/2.

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

CRM-M-17572-2016

Date of decision:19.10.2016

Gurtej Singh alias Teji and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Narinder Singh Dadwal, Advocate,
for the petitioners.

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

Mr. Harish Davedi, 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 case (Annexure P-1) registered under Sections 452, 427, 323, 506, 148, 149 IPC against the petitioners in case FIR No.187 dated 04.09.2014 (Annexure P-2) under Sections 323/324/341/148/149 IPC at Police Station Dakha, District Ludhiana Rural and all subsequent proceedings arising therefrom on the basis of compromise dated 16.02.2016 (Annexure P-3).

This Court vide order dated 23.05.2016 had directed the parties to appear before the 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 Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 09.09.2016 to the effect that the compromise has been effected between parties without any pressure and with their free will.

Respondent No.2-complainant, namely, Jasveer Singh has made his statement with regard to compromise before learned Magistrate on 06.09.2016. The same is reproduced as under:-

“Stated that the case bearing FIR No.187 dated 04.09.2014 u/s 323, 324, 341, 148, 149 IPC, P.S. Dakha, has been got registered by me against accused persons namely Gurtej Singh @ Teji, Baljit Singh, Gurpreet Singh @ Gopi, Harpreet Singh @ Ghuka, Jaspreet Singh, Mandeep Singh S/o Satpal Singh and Mandeep Singh @ Ravi. Now the matter has been compromised between us with the intervention of respectables. I have seen the copy of compromise dated 16.02.2016 and the same is Ex.PA and I identify my signatures at point A on the same. I have no objection if the proceedings of the abovesaid case be quashed as per the petition filed by us bearing CRM No.MM-17572 of 2016 in the Hon'ble Punjab & Haryana High Court, Chandigarh in view of compromise executed between us. I also produced the copy of my ID proof and the same is Ex.PB duly signed by me. I have given the statement with my free will and without any pressure, coercion and inducement. I shall remain bound with the compromise.”

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 FIR.

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 case (Annexure P-1) registered under Sections 452, 427, 323, 506, 148, 149 IPC against the petitioners in case FIR No.187 dated 04.09.2014 (Annexure P-2) under Sections 323/324/341/148/149 IPC at Police Station Dakha, District Ludhiana Rural and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 16.02.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

19.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.