

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

CRM-M-17907 of 2016

Date of decision: 22.11.2016

Rajinder Singh

-----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

Present:- Mr.Rajeev Sharma, Advocate for the petitioner.

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

Mr.M.S. Sidhu, Advocate for respondents
No.2 to 9.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.34 dated 01.03.2016 under Section 295-A IPC, registered at Police Station Div. No. 4 Distt. Ludhiana (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 18.04.2016 (Annexure P-2).

This Court vide order dated 24.09.2016 had directed the parties to appear before the trial Court/Illaq Magistrate on 20.10.2016 or on any other date convenient to Court to get their statements recorded with regard to compromise. The learned Magistrate was directed to submit its report qua the genuiness of the compromise along with the statements of the parties.

Pursuant to the aforesaid order dated 24.09.2016, the 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 forwarded report dated 17.11.2016 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.

Learned counsel for respondents No.2 to 9, while admitting the factum of compromise entered between the parties, submits that respondents No.2 to 9 have already suffered a joint statement before the learned Magistrate on 15.11.2016.

Joint statement of complainants-respondents No. 2 to 9 i.e. Jatinder Bhasin, Rohit Sahni, Ashish Sharma, Tarsem Kumar, Chetan Malhotra, Mahesh Sharma, Rajeev Tondon and Mohit Sikka respectively reads as under:-

“Stated that FIR No.34 dated 01.03.2016 U/s 295-A IPC, P.S. Div.No.4, Ludhiana was registered on statement of complainants Jatinder Bhasin S/o Late Sh. Rajpal, Rohit Sahni S/o Sh. Yashpal Sahni, Ashish Sharma S/o Dhani Ram, Tarsem Kumar S/o Sh. Ram Lal, Chetan Malhotra S/o Sanjeev Malhotra, Mahesh Sharma S/o Uma Dutt Sharma, Rajeev Tondon S/o Prem Parkash, Mohit Sikka S/o Vijay Kumar Sikka. We have compromised matter with accused Rajinder Singh S/o Jagjit Singh C/o Sunshine Studio, Opp G.N.E. College, Ludhiana with our free will and without any pressure. We have no objection if above FIR is quashed on the basis of compromise by Hon'ble Punjab & Haryana High Court.”

Apart from the joint statement of respondents No.2 to 9, whereby they have 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 State counsel also 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.34 dated 01.03.2016 under Section 295-A IPC, registered at Police Station Div. No. 4 (Annexure P-1), Distt. Ludhiana, and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 18.04.2016 (Annexure P-2).

22.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? ***Yes***

Whether reportable? ***Yes/No***