

273.

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

CRM-M-18158-2016

Date of decision:15.09.2016

Narinder Kumar and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Amit Dhawan, Advocate,
for the petitioners.

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

Mr. Mandeep Singh, Advocate,
for Ms. Harpreet Kaur Arora, Advocate,
for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.349 dated 13.11.2007 under Sections 326, 324, 323, 34 IPC, registered at Police Station Nakodar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavits (Annexures P-2, P-5 and P-6).

This Court vide order dated 24.05.2016 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 Sub Divisional Judicial Magistrate, Nakodar and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has submitted the report dated 12.07.2016 to the effect that the parties have arrived at a volunteer compromise.

Since the complainant-Krishan Chand at whose behalf, aforesaid FIR was registered, has died on 05.08.2014, statements of his legal heirs, namely, Darshna alias Darshna Rani and Boota Ram (wife and son respectively of the deceased complainant), who are arrayed as respondents No.2 and 3, were recorded with regard to compromise before learned Magistrate on 11.07.2016. The statement made by Ms.Darshana alias Darshna Rani-respondent No.2 reads as under:-

“Stated that present FIR has been got registered by Shri Kishan Chand who happens to be my husband. In the said occurrence only Kishan Chand has suffered injuries who has now died. He during his life time has entered into a compromise and I agree with the compromise entered between the accused and my husband. I have no objection if FIR may kindly be quashed. As per my knowledge, there are total four accused arrayed in the FIR. No accused is proclaimed offender in the present case.”

The statement made by Boota Ram-respondent No.3 reads as under:-

“Stated that present FIR has been got registered by Shri Kishan Chand who happens to be my father. In the said occurrence only Kishan Chand has suffered injuries who has now died. He during his life time has entered into a compromise and I agree with the compromise entered between the accused and my father. I have no objection if FIR may kindly be quashed. As per my knowledge, there are total four accused arrayed in the FIR. No accused is proclaimed offender in the present case.”

Learned State counsel as well as learned counsel for respondents No.2 and 3 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 F.I.R.

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 F.I.R. No.349, dated 13.11.2007 under Sections 326, 324, 323, 34 IPC, registered at Police Station Nakodar, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavits (Annexures P-2, P-5 and P-6).

(HARI PAL VERMA)
JUDGE

15.09.2016
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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.