

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

CRM-M-17264 of 2015(O&M)

Date of decision: 16.03.2016

Jasbir Singh

----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Naresh Kaushal, Advocate for the petitioner.

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

Mr. Manoj Kumar Pundhir, Advocate for respondent
Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

CRM-40724-2015

Prayer in this application is for correction in the head note as well as in the prayer clause of the petition, describing Section 324 IPC as Section 325 IPC.

For the reasons stated in the application, the same is allowed and Section 324 IPC is ordered to be substituted with Section 325 IPC.

Registry to carry out necessary corrections.

CRM-40725-2015

Prayer in this application is for impleading Bhupinder Kaur wife of Amarjeet Singh son of Mohan Singh, resident of village Kailon, Tehsil and District SAS Nagar, Mohali, as respondent No.3.

For the reasons stated in the application, the same is allowed and Bhupinder Kaur wife of Amarjeet Singh son of Mohan Singh, resident of village Kailon, Tehsil and District SAS Nagar, Mohali, is ordered to be impleaded as respondent No.3.

Amended memo of parties is taken on record.

CRM-M-17264 of 2015

Prayer in this petition is for quashing of FIR No.99 dated 15.05.2014 under Sections 323, 325 and 341 IPC. registered at Police Station Sohana, Tehsil and District SAS Nagar, Mohali, on the basis of compromise dated 11.05.2015(Annexure P-2).

This Court vide order dated 25.05.2015 had directed the parties to appear before the learned Judicial Magistrate Ist Class, SAS Nagar On 07.07.2015 to get their statements recorded with regard to compromise and the Magistrate was directed to submit its report qua the genuiness of the compromise vis-a-vis number of accused persons involved in this case and whether any of the accused has been declared proclaimed offender or not.

Pursuant to the aforesaid order dated 25.05.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Mohali and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 15.09.2015 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.

Mr. Manoj Kumar Pundhir, Advocate, has put in appearance on behalf of respondent Nos. 2 and 3, namely, Amarjit Singh and Bhupinder Kaur respectively and filed Power of Attorney in Court today, which is taken on record. He admits the factum of compromise effected between the parties.

The statement made by respondent No.2/complainant-Amarjit Singh with regard to validity of the compromise before learned Magistrate on 10.08.2015, reads as under:-

“Stated that on my statement the present case was registered at Police Sohana, Mohali against the accused. However, with the intervention of the respectable persons matter has been compromised between us without any force, fraud, undue influence. I also admit that the compromise effected between us and all dispute has settled between us and nothing is due. Compromise to this effect is Ex.PA which bears my signature and the said compromise is voluntarily, without any force, fraud, fear and pressure of anyone. The FIR may kindly be quashed.”

Apart from the statement of the complainant-respondent No.2-Amarjit Singh, 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 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.99 dated 15.05.2014 under Sections 323, 325 and 341 IPC. registered at Police Station Sohana, Tehsil and District SAS Nagar, Mohali, qua the petitioner, is quashed, in view of the compromise dated 11.05.2015 (Annexure P-2).

16.03.2016

Anjal

**[HARI PAL VERMA]
JUDGE**