IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17794 of 2015

Date of decision: 26.04.2016

Balvir Singh & others **----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. Munish Gulati, Advocate for the petitioners.

Mr. R.S. Nain, AAG, Punjab.

Mr. K.S. Dhillon, Advocate for respondents No.2 to 7.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of cross-version i.e. DDR No. 31(A), under Section 323, 324, 148 and 149 IPC, recorded in FIR No.104, dated 03.08.2009 under Section 323, 324, 326, 148 and 149 IPC, registered at Police Station, Bholath, District Kapurthala (Annexure P-1) on the basis of compromise dated 18.04.2015 (Annexure P-3).

This Court though vide order dated 01.09.2015 had directed the parties to appear before the trial Court/Illaqa Magistrate on 09.10.2015 to get their statements recorded with

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regard to compromise and the trial Court/Illaqa Magistrate was directed to submit its report qua the genuiness of the compromise. However, a perusal of the report dated 07.11.2015, received from Judicial Magistrate Ist Class, Kapurthala, reveals that on the very date, statement of only Dayal Singh, who is stated to be the complainant-cum-injured in the case has been recorded, however, Raj Kaur and Charan Kaur, who are stated to be the injured, did not appear before the learned trial Court from making their statements. Therefore, vide order dated 28.11.2015 passed by this Court, both injured were directed to appear before the learned trial Court/Illaqa Magistrate on 14.12.2015 for getting their statements recorded.

Pursuant to the aforesaid order dated 28.11.2015 passed by this Court, both injured, namely, Raj Kaur and Charan Kaur have appeared before learned Judicial Magistrate Ist Class, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 18.12.2015 to the effect that the both the injured have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

The statement made by the complainant-respondent No.2, namely, *Dayal Singh son of Sohan* Singh before the Magistrate on 31.10.2015, reads as under:-

> *"Stated that I have compromised the matter with the accused Balvir Singh son of Darshan Singh, Darshan Singh son of Joginder Singh both are residents of Dyalpur, Deep Singh son of Omkar resident of village Haryana, Manjit Singh son of Mukhtiar Singh resident of village Kuka, Sarabjit Singh son of Nirmal Singh resident of village Ghag, Kapurthala,*

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> *Mahinder Singh son of Tirath Singh resident of village Begowal, Harjinder Singh son of Swaran Singh resident of village Maksudan, Jalandhar at present village Thakia, kapurthala. I being accused has effected the compromise with the complainant with the intervention of respectable of the locality without any pressure, threat or coercion, to keep harmony amongst the parties."*

However, on 25.02.2016, learned counsel for the petitioners prayed for time to file an application for getting the statements of the remaining injured recorded.

Consequently, on 21.03.2016, this Court in ***Criminal Misc. No. 9177 of 2016*** in *Criminal Misc. No.M-17794 of 2015* passed the following order:-

> *Prayer in this application for directing the trial Court to record the statements of respondents No.3 to 5 namely Charan Singh son of Sohan Singh, Suri @ Jarnail Singh and Kala @ Mukhtiar Singh in terms of order dated 1.9.2015 passed by this Court.*
>
> *Learned counsel for the applicants contends that the statements of the aforesaid respondents could not be recorded. In view of the facts mentioned in the application, the respondents No.3 to 5 are directed to appear before the trial Court on 4.4.2016 or the date convenient to the Court for recording of their statements. The trial Court is directed to record the statements of respondents No.3 to 5 and forward the report in terms of order dated 01.9.2015 on or before the date fixed in the main petition.*
>
> *CRM application stands disposed of.*

Pursuant to the aforesaid order dated 21.03.2016 passed by this Court, *respondents No.3 to 5 namely Charan Singh son of Sohan Singh, Suri @ Jarnail Singh and Kala @ Mukhtiar Singh* have appeared before learned Judicial Magistrate Ist Class, Kapurthala on

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06.04.2016 and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her supplementary report dated 07.04.2016 to the effect their statements have been recorded and as per their statements, the compromise has been arrived at between the parties voluntarily without any pressure, threat or coercion.

Apart from the statement of the complainant-respondent No.2 as well as injured/respondents No. 3 to 7, 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 DDR.

Learned counsel for the State does not dispute the factum of compromise entered into between the parties and submits that since FIR No.104, dated 03.08.2009 under Section 323, 324, 326, 148 and 149 IPC, registered at Police Station, Bholath, District Kapurthala, has already been quashed on the basis of compromise by this Court vide order dated 25.02.2016 in CRM-M-No.17851 of 2015 titled as ***"Dayal Singh and others Vs. State of Punjab and others"***, he has no objection if the instant DDR is quashed.

Learned counsel appearing for respondents No. 2 to 7 has also not disputed the factum of compromise as arrived at 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)***,

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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 cross-version i.e. DDR No. 31(A), under Section 323, 324, 148 and 149 IPC, recorded in FIR No.104, dated 03.08.2009 under Section 323, 324, 326, 148 and 149 IPC, registered at Police Station, Bholath, District Kapurthala (Annexure P-1), is quashed, qua the petitioners, in view of the compromise dated 18.04.2015 (Annexure P-3).

26.04.2016 **[HARI PAL VERMA]**
Anjal **JUDGE**

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