

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

CRM-M-18756 of 2016.
Decided on:-15.12.2016.

Satwinder Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. B.S. Kathuria, Advocate
for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Gaurav Talwar, Advocate for
Mr. Satnam Singh Gill, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.129 dated 30.07.2009 under Sections 323 and 324 read with Section 34 IPC registered at Police Station Phillaur, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 08.02.2016 (Annexure P-3) effected between the parties.

This Court vide order dated May 27, 2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was

directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Sub-Divisional Judicial Magistrate, Phillaur and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted her report dated 01.11.2016 to the effect that the compromise effected between the parties is genuine, voluntary and without any pressure or coercion.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for the respondent No.2-complainant.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Narain Singh has been recorded by learned Magistrate on 03.08.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“Stated that I have compromised the matter with the accused persons, namely, Satwinder Singh son of Sohan Singh, resident of village Dhak Mazara Tehsil Phillaur, District Jalandhar, Narinder Singh son of Sohan Singh, resident of village Dhak Mazara Tehsil Phillaur, District Jalandhar, Sandip Singh son of Onkar Singh resident of village Dhak Mazara Tehsil Phillaur, District Jalandhar Gurmakh Singh son of Amrik Singh, resident of village Dhak Mazara Tehsil Phillaur, District Jalandhar. Now I have no grudge against the above said

accused persons. I have effected compromise with my free will, voluntary or without any coercion and undue influence. I have no objection if impugned FIR registered against the above stated accused persons be quashed and they be acquitted. Respondent No.3/Witness namely Inderjeet Ram son of Saru Ram, resident of village Dhak Mazara, Tehsil Phllaur, District Jalandhar has went abroad permanently and there is no possibility to return him in the near future.”

Though there is no representation on behalf of injured-respondent No.3 Inderjeet Ram, but from the perusal of aforesaid statement of complainant Narain Singh-respondent No.2, it reveals that he has gone abroad. Moreover, he has already furnished an affidavit dated 06.08.2009 (Annexure P-2) mentioning therein that the matter has been compromised and he does not want to initiate any proceedings against the petitioners-accused on the basis of FIR in question.

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 FIR No.129 dated 30.07.2009 under Sections 323 and 324 read with Section 34 IPC registered at Police Station Phillaur, District Jalandhar (Annexure P-1) and all consequential

proceedings arising therefrom are quashed on the basis of compromise deed dated 08.02.2016 (Annexure P-3) effected between the parties.

December 15, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:

Whether Reportable:

Yes

No