

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

CRM-M-19140 of 2016
Date of decision: 26.09.2016

Kulwinder Singh @ Hikka and others

-----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

Present:- Mr.C.S. Sharma, Advocate for the petitioner.

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

None 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 FIR No.156 dated 31.07.2014 for offence under Sections 452, 323, 427 and 34 IPC, registered at Police Station Sultanpur, District Kapurthala and all consequential proceedings arising therefrom on the basis of compromise dated 13.05.2016 (Annexure P-2).

This Court vide order dated 30.05.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 30.05.2016, the parties have appeared before learned Sub Divisional Judicial Magistrate Sultanpur

Lodhi and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 29.07.2016 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.

Though, today no one is present on behalf of respondents No.2 and 3, but no prejudice would be caused to them, as they have already suffered a statement with regard to validity of the compromise before learned Magistrate on 19.07.2016. The statement made by respondent No.2/complainant-Harvinder Singh reads as under:-

“Stated that, I have compromised the matter petitioners/accused Kulwinder Singh @ Hikka son of Zilmi Singh, Anil Kumar son of Bhajan Lal and Balram Singh son of Sarbjit Singh, voluntarily without any pressure, threat or coercion with intervention of respectables of the locality and our relatives, to keep harmony amongst the parties. I have no objection, if the present FIR against all the accused be quashed.”

Apart from the above statement of the complainant-respondent No.2-Harvinder Singh, respondent No. 3 (injured) has also suffered a similar statement, whereby she 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 State counsel does not dispute the factum of compromise entered between the parties and rather admits the same.

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.156 dated 31.07.2014 for offence under Sections 452, 323, 427 and 34 IPC, registered at Police Station Sultanpur, District Kapurthala and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 13.05.2016 (Annexure P-2).

26.09.2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No