

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

CRM-M-19710 of 2016.
Decided on:-17.12.2016.

Lali and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Sarbjit Singh, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. G.S. Thind, Advocate
for respondent No.2.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.67 dated 24.03.2016 under Sections 323, 354, 379, 506, 148 and 149 IPC registered at Police Station Sultanwind, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 28.04.2016 (Annexure P-2) and affidavit dated 27.04.2016 (Annexure P-3).

This Court vide order dated October 20, 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 Judicial Magistrate 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 28.11.2016 to the effect that one of the petitioners, namely, Rajinder Kumar has not been arrayed as an accused. It has further been reported that statements of all the petitioners and the complainant have been recorded and the compromise is genuine, voluntarily and out of free will of the parties.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for 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 Nirmal Singh has been recorded by learned Magistrate on 18.11.2016. 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 (complainant) got registered FIR No.67 dated 24.03.2016, P.S. Sultanwind, Amritsar under Section 323/354/379/506/148/149 of IPC against accused i.e. Lali wife of Satpal, Ashu @ Ashish Kumar, Satpal, Neha, Rajinder Kumar, Geeta, Vaishali and Aman. Now I have compromised the matter with the above said accused amicably. The copy of

the said compromise/affidavit is already filed before the Hon'ble High Court. The said compromise dated 28.04.2016 was effected without any coercion, pressure and with my own freewill and I have no objection if the above said FIR dated 67/16 registered against the above said accused be quashed. Except the said persons there is no other accused who has been declared P.O. or absconding."

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.67 dated 24.03.2016 under Sections 323, 354, 379, 506, 148 and 149 IPC registered at Police Station Sultanwind, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise dated 28.04.2016 (Annexure P-2) and affidavit dated 27.04.2016 (Annexure P-3).

December 17, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No