

270.

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

CRM-M-19809-2016

Date of decision:30.09.2016

Harjinder Singh @ Baba-Jinda and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anil Bhardwaj, Advocate,
for Mr. A.S. Gaggrha, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

None for respondents No.2 to 5.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.134 dated 12.08.2015 under Sections 452/324/323/506/148/149 IPC, registered at Police Station C-Division, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.10.2015 (Annexure P-2) and affidavit dated 12.04.2016 (Annexure P-3).

This Court vide order dated 02.06.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 29.09.2016 to the effect that the compromise has been effected between parties voluntarily, out of their free will and without any pressure or coercion and the same appears to be genuine one.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Billa, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 22.07.2016. The same is being reproduced as under:-

“The present F.I.R. was registered on my statement against Harjinder Singh @ Baba, Lakhwinder Kaur, Prince, Gopi, Boa @ Vijay Kumar and Deepu. Now, the matter has been compromised with the intervention of the respectables of the locality in the present case. The compromise has been arrived at between the parties without any pressure. The statement is given by me with free will and without any pressure, threat and coercion.”

Apart from above, similar statements have also been made by respondents No.3 to 5 the injured, namely, Rajinder Singh @ Happy, Raj Kumar @ Raju and Bittu whereby they have shown no objection to the FIR being quashed.

Learned State counsel has not disputed the factum of compromise between the parties.

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 F.I.R. No.134 dated 12.08.2015 under Sections 452/324/323/506/148/149 IPC, registered at Police Station C-Division, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.10.2015 (Annexure P-2) and affidavit dated 12.04.2016 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

30.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.