

296.

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

CRM-M-22569-2016

Date of decision:15.09.2016

Ajay Kumar and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms.Preeti Kamal, Advocate,
for Mr. Rajiv Joshi, Advocate,
for the petitioners.

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

None for respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.15 dated 25.02.2016 under Sections 323/324/326/148/149 IPC, registered at Police Station Nurmahal, District Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise dated 24.04.2016 (Annexure P-2).

This Court vide order dated 08.07.2016 had directed the parties to appear before learned CJM/Illaqa Magistrate 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, Phillaur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted the report dated 11.08.2016 to the effect that the compromise

effected between parties is voluntarily and genuine one.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Sunny Bangar, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 08.08.2016. The same is being reproduced as under:-

“Stated that case titled as State vs Jaspal @ Jassi FIR no.15 dated 25.02.2016, U/s 323, 324, 326, 148, 149 of IPC, PS Nurmahal, Distt Jalandhar was registered against accused on my statement in which compromise has been effected with accused namely Ajay Kumar son of Dharampal, Rohit Son of Dharampal, Rakesh Son of Harbhajan @ Bhajan Lal, Mani @ Salinder Kumar son of Tirath Ram and Jassi @ Jaspal Son of Ram Parkash all residence of Mohalla Nakodar road, colony Nurmahal, Distt Jalandhar vide a compromise deed dated 24.04.2016. That compromise is got effected between us without any pressure or fear with free consent of all parties. I have no objection if the above stated FIR quashed by the Hon'ble Punjab and Haryana High Court, Chandigarh. I have brought Adhar Card and photocopy of the same is attached.”

Apart from the above statement of complainant-respondent No.2, similar statement was also made by respondent No.3-Shammi and respondent No.4-Sunil, both injured, before the learned Magistrate on 08.08.2016 whereby they have shown no objection to the FIR being quashed. There is nothing on record to doubt about the genuineness of the compromise entered into between the parties.

The 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

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.15 dated 25.02.2016 under Sections 323/324/326/148/149 IPC, registered at Police Station Nurmahal, District Jalandhar and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.04.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

15.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.