

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

CRM-M-21747 of 2015
Date of decision: 16.03.2016

Harjit Singh @ Happy Punchu & others **----Petitioner (s)**

V/s

State of Punjab & another **-----Respondent(s)**

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Saneep Sharma, Advocate for the petitioners.

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

Mr. Gurinder Singh Dhillon, Advocate
for respondent No.2/complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.211 dated 26.05.2015 under Sections 323, 324, 382, 341, 427, 506, 148 and 149 IPC, registered at Police Station A-Division, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 30.05.2015(Annexure P-2).

This Court vide order dated 08.07.2015 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 08.07.2015, the 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 forwarded his report dated 24.07.2015 to the effect that parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

However, when the matter was listed before this Court on 31.07.2015, learned counsel for the State has pointed out that Kali is one of the injured person in the case, but his statement has not been recorded before the trial Court. Accordingly, the trial Court was directed to record the statements of said Kali on 12.08.2015, but said Kali could not appeared before the Magistrate on 12.08.2015.

Though, a perusal of previous orders passed by this Court from time to time, show that despite granting several opportunities, the statement of injured-Kali could not be recorded, however, on January 11, 2016, this Court has passed the following order:-

“Earlier also on many occasions, counsel for the petitioner was granted time to get the statement of injured Kali recorded. Once again request, has been made to get the statement of injured Kali recorded.

Though taking into consideration the previous orders, there is hardly any justification to grant another opportunity for recording the statement of injured Kali, however, in the interest of justice, one more opportunity is granted to the petitioner to get the statement of injured Kali recorded subject to cost of Rs.3000/- to be deposited with the Punjab State Legal Services Authority, Chandigarh.

The trial Court is directed to record the

statement of injured Kali on 25.1.2016 subject to production of receipt of cost to be deposited with the Punjab State Legal Services Authority, Chandigarh.

Adjourned to 16.3.2016.”

Pursuant to the aforesaid order dated 11.01.2016, the injured-Kali has appeared before learned Judicial Magistrate Ist Class, Amritsar and got his statement recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 16.02.2016 to the effect that the injured-Kali has willfully compromised the matter with the accused persons.

The statement of injured-Kali son of Sh. Dilbagh Singh, suffered before the learned Magistrate on 25.01.2016 reads as under:-

One FIR no.211 dated 26.5.2015 under Section 323, 324, 382, 341, 427, 506, 148, 149 of IPC PS A Division, Amritsar was registered against the accused at the instance of complainant Raja Mahajan. I was injured in the alleged incident. Now with the intervention of respectable of the society, a compromise has been effected between me and the accused voluntarily, without any pressure and undue influence. As per the compromise, I do not want to proceed with the case further. I have no objection if the FIR and the consequential criminal proceeding is quashed by the Hon'ble High Court.”

Learned counsel for respondent No.2-complainant admits the factum of compromise effected between the parties.

Statement made by respondent No.2-complainant, namely, Raja Mahajan with regard to validity of the compromise before learned Magistrate on 15.07.2015, reads as under:-

“FIR no.211 dated 26.05.2015 under Section 323, 324, 382, 341 427, 506, 148, 149 IPC, PS A Division, Amritsar was registered against accused Harjit Singh, Jagrup Singh, Gurdev Singh, Sunny, Prince and three unidentified individuals on my

statement. Now I have compromised the matter with the aforementioned accused. The compromise has been effected voluntarily without any threat or coercion and with my free consent. I have no objection if the quashing petition filed by the accused before the Hon'ble High Court on the basis of compromise is accepted. There is no other accused arrayed in the present case except the aforementioned accused. As per my knowledge the accused were never declared as proclaimed offender at any time."

Apart from the statements made by complainant-respondent No.2 as well as injured-respondent No.3, whereby they have 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 counsel for the State also does not dispute the factum of compromise entered between the parties.

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.211 dated 26.05.2015 under Sections 323, 324, 382, 341, 427, 506, 148 and 149 IPC, registered at Police Station A-Division, Amritsar (Annexure P-1), and all other consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 30.05.2015 (Annexure P-2).

16.03.2016**Anjal****[HARI PAL VERMA]
JUDGE**