

271.

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

CRM-M-22761-2016

Date of decision:21.10.2016

Shiv and another

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Karamjit Singh Mangat, Advocate,
for the petitioners.

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

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.25 dated 29.01.2014 under Sections 452, 323, 324, 148, 149 IPC (Section 326 IPC added lateron), registered at Police Station Beas, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.04.2016 (Annexure P-2).

This Court vide order dated 11.07.2016 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 Sub Divisional Judicial Magistrate, Baba Bakala Sahib, District

Amritsar and got their statements recorded. On the basis of the statements

so recorded, learned Magistrate has submitted report dated 05.08.2016 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, Vikas Rana 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 reproduced as under:-

“The present case has been registered on my statement against two accused persons namely Shiv son of Phulwinder Singh and Phulwinder Singh son of Ajaib Singh rs/of village Nagoke, Tehsil block Khadoor Sahib, Distt. Tarn Taran. Now the matter has been compromised with the all the above said accused persons with the intervention of respectable persons of the village. I have no objection if the FIR No.25 of 2014 and subsequent proceedings arising out of said FIR registered at Police Station Beas are quashed by the Hon'ble High Court. I do not want to take further action against the accused persons. I have made this statement out of mine own sweet will, without any threat or pressure. Compromise with all accused persons have been effected out of mine own sweet will and without any kind of pressure from any one. No accused is proclaimed offender in this case.”

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 FIR.

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.25 dated 29.01.2014 under Sections 452, 323, 324, 148, 149 IPC (Section 326 IPC added lateron), registered at Police Station Beas, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 27.04.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

21.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.