

274.

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

CRM-M-23010-2016

Date of decision:21.10.2016

Jaswinder Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None 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.79 dated 24.08.2015 under Sections 452, 324, 323, 148, 149 IPC (offence under Section 326 IPC was added lateron), registered at Police Station Ghuman, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 12.07.2016 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 Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 08.08.2016 to the effect that the compromise between parties has been arrived at voluntary and without undue influence, pressure and or coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely,Navjeet Kaur but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 02.08.2016. The same is reproduced as under:-

“That the above noted case FIR No.79 of 24.08.2015 u/s 452/326/324/323/148/149 Indian Penal Code, Police Station Ghuman was registered on my statement against the accused person namely Jaswinder Singh son of Kulwant Singh resident of Loharka Kala, Harmanpreet Singh son of Lakhwinder Singh, Jatt resident of Umarpura, Parnam Singh son of Dalip Singh resident of Muradpur, Dalip Singh son of Pritam Singh resident of Muradpur and Gurinder Singh son of Mangal Singh resident of village Kotli Bhan Singh. Now with the intervention of the respectable the matter stand compromised and I have no grudge against the accused persons. Now I have no objection if the present FIR is quashed. I have given this statement without any coercion, pressure and with my own free will.”

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.79 dated 24.08.2015 under Sections 452, 324, 323, 148, 149 IPC (offence under Section 326 IPC was added lateron), registered at Police Station Ghuman, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

(HARI PAL VERMA)
JUDGE

21.10.2016
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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.