

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

CRM-M-22696 of 2015

Date of decision: 27.01.2016

Gagandeep Singh and 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. Kamaldeep Singh Sodhi, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.37 dated 15.2.2015, under Sections 365, 323, 148, 149 IPC registered at Police Post Puggi, Police Station Nakodar, District Jalandhar (Annexure P-1) and all the proceedings subsequent arising thereto on the basis of compromise dated 13.05.2015 (Annexure P-2).

This Court vide order dated 15.07.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to the compromise and the Illaqa Magistrate/trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 15.07.2015, the parties have appeared before learned Sub Divisional Judicial Magistrate, Nakodar and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 29.07.2015 to the effect that the complainant has settled the matter with petitioner no.1-Gagandeep Singh and petitioner no.2-Harjinder Singh. The statement of the complainant-respondent No.2, namely, Sukhvir Singh @ Rajwinder Singh aged 20 years made before the learned Magistrate qua petitioners no. 1 & 2, reads as under:-

“I am complainant in the case Fir No.37 dated 15.02.2013 under Section 365, 323, 148, 149 of Indian Penal Code, PS Sadar Nakodar, and the said FIR was lodged by me against the accused (1). Gagandeep Singh s/o Jagwinder Singh r/o VPO Jandiala, Bari Patti, Tehsil Phillaur, Distt. Jalandhar (2). Harjinder Singh S/o Jasvir Singh r/o VPO Jandiala, Bari Patti, Tehsil Phillaur, Distt. Jalandhar. I have entered into a compromise with above said accused persons who are present in the court today, with my free will & without any kind of pressure. I have no objection if such FIR in question is quashed against the said accused by the Hon'ble High Court.

RO & AC
Sd/- Sukhvir Singh
@ Rajwinder Singh

Sd/-
(Mahesh Grover)
SDJM/Nakodar/27.07.2015.

Again pursuant to the order dated 02.11.2015 passed by this Court, the complainant as well as petitioners no. 3 and 4 appeared before the learned Magistrate on 04.01.2016 and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 15.01.2016 to the effect that the complainant has settled the matter with petitioner no.3-Kulveer Singh and petitioner no.4-Sanjeev Kumar. The statement of complainant-respondent no.2- Sukhvir Singh @ Rajwinder Singh,

made before the learned Magistrate on 04.01.2016 qua petitioners no. 3 & 4, reads as under:-

"I am complainant in the case Fir No.37 dated 15.02.2013 under Section 365, 323, 148, 149 of Indian Penal Code, PS Sadar Nakodar, and the said FIR was lodged by me against the accused (1). Kulveer Singh s/o Bhupinder Singh r/o H.No.873, Patti Takhar, Village Shankar, Tehsil Nakodar, District Jalandhar & (2). Sanjiv Kumar s/o Balvir Singh r/o Patti Takhar, Village Shankar, Tehsil Nakodar, District Jalandhar. I have entered into a compromise with above said accused persons who are present in the court today, with my free will & without any kind of pressure. I have no objection if such FIR in question is quashed against the said accused by the Hon'ble High Court.

RO & AC
Sd/- Sukhvir Singh
@ Rajwinder Singh

Sd/-
(Mahesh Grover), PCS
SDJM/Nakodar/04.01.2016.

Apart from the statement of the complainant-respondent No.2- namely, Sukhvir Singh @ Rajwinder Singh, whereby he has 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 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.37 dated 15.2.2015,

under Sections 365, 323, 148, 149 IPC registered at Police Post Puggi, Police Station Nakodar, District Jalandhar (Annexure P-1), and all the consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 13.05.2015 (Annexure P-2).

27.01.2016

Anjal

[HARI PAL VERMA]

JUDGE