

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

CRM-M-23659 of 2016

Date of decision: 15.11.2016

Lakhwinder Singh and others

-----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Vijay Rana, Advocate for the petitioners.

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

Respondent No.2-complainant in person.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.138 dated 14.09.2015 under Section 420 IPC, registered at Police Station Beas District Amritsar (Rural) (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 08.07.2016 (Annexure P-2).

This Court vide order dated 18.07.2016 had directed the parties to appear before Illaqa Magistrate/the trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/the trial Court was directed to submit its report qua the genuiness of the compromise.

Pursuant to the aforesaid order dated 18.07.2016, the parties have appeared before learned Sub Divisional Judicial Magistrate, Baba Bakala Sahib, Amritsar and got their statements recorded. On the basis of

the statements so recorded, learned Magistrate has forwarded report dated 07.09.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

Respondent No.2-complainant-Hoshiar Singh is present in Court today and has been identified by ASI-Shivender Singh. He admits the factum of compromise arrived at between the parties. He has already suffered a statement with regard to validity of the compromise before learned Magistrate on 30.08.2016. The said statement reads as under:-

“The present case has been registered on my statement against three accused person namely Lakhwinder Singh, Balwinder Singh and Joginder Singh all sons of Shingara Singh r/o Dolo Nangal, Tehsil Baba Bakala Sahib, District Amritsar. Now the matter has been compromised with all the above said accused persons with the intervention of respectable persons of the village. I have no objection if the FIR No.138 of 2015 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 free will, without any threat or pressure. Compromise with all accused persons have been effected out of mine own free Will and without any kind of pressure from any one. No accused is proclaimed offender in the present FIR.”

Apart from the statement of the complainant-respondent No.2-, 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 State counsel 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.138 dated 14.09.2015 under Section 420 IPC, registered at Police Station Beas District Amritsar (Rural) (Annexure P-1), and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 08.07.2016 (Annexure P-2).

15.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? ***Yes***

Whether reportable? ***Yes/No***