

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

CRM-M-23128 of 2016
Date of decision: 28.05.2016

Sulakhan Singh and others

-----Petitioner (s)

V/s

State of Punjab and 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.Amit Aroa, Advocate
for the petitioners.

Mr.R.S.Nain, AAG, Punjab.

None for respondents No. 2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.47 dated 02.04.2012 under Sections 452/323/148/149/427 IPC registered at Police Station Jhabhal, Distt. Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise/statement dated (Annexure P-2).

This Court vide order dated 05.10.2015 and 14.03.2016 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 orders, the parties have appeared before learned Addl. Chief Judicial Magistrate, Tarn Taran and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 03.05.2016 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.

Though, today no one is present on behalf of respondents No.2 to 4, but no prejudice would be caused to them, as they have already suffered a statement with regard to validity of the compromise before learned Magistrate on 03.05.2016. The statement suffered by respondent No.2/complainant, namely, Harjeet Singh son of Kulwant Singh, reads as under:-

“That I registered a case against all the accused namely Sulakhan Singh S/o Sohan Singh, Sahib Singh, S/o Sulakhan Singh, Gurjant Singh S/o Sulakhan Singh, Amandeep Singh @ Sonu S/o Baldev Singh all resident of gali no.6 Mohalla Gurnam Nagar, Bazar Mandir Wala, Sultanwind road, Amritsar, on dated 02.04.2012 vide FIR No.47 dated 02.04.2012 registered at P.S. City Jhabal District Tarn Taran U/s 452/323/148/149/427 IPC. We are close related to each other but due to some misunderstanding this case was registered against all the accused mentioned above. Now I have compromised with my own free will and consent without any fear and pressure with the present accused present in court today also with the intervention of respectables of both the sides. Now I do want to proceed with the present case. I have also no objection if the present case/FIR be cancelled or quashed.”

Apart from the above statement made by complainant/respondent No.2, respondents No. 3 and 4 have also made similar statements 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 does not dispute the factum of compromise arrived at between the parties, however, on instructions from ASI-Jugraj Singh, submits that even the police has prepared a cancellation report.

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.47 dated 02.04.2012 under Sections 452/323/148/149/427 IPC registered at Police Station Jhabhal, Distt. Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise/statement dated (Annexure P-2).

28.05.2016**Anjal****[HARI PAL VERMA]
JUDGE**