

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

CRM-M-24569 of 2016

Date of decision: 15.11.2016

Baldev Singh and others

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Munish Puri, Advocate for the petitioners.

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

Mr. Sanjeev Kumar, Advocate for respondent
No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.42 dated 27.05.2016 for offence under Sections 430, 324, 148 and 149 (326 added later on) IPC, registered at Police Station Shri Hargobindpur, District Batala and all consequential proceedings arising thereto on the basis of compromise (Annexure P-2).

This Court vide order dated 22.07.2016 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 22.07.2016, the 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 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.

The statement made by the complainant-respondent No.2, namely, *Sukhdev Singh son of Jhanda Singh* before the Magistrate on 29.08.2016, reads as under:-

“That the above noted case FIR No.42 of 27.05.2016 u/s 430/324/148/149 IPC, Police Station Sri Hargobindpur was registered on my statement against the accused persons namely Baldev Singh son of Milkha Singh, Talwinder Singh @ Bau son of Baldev Singh, both residents of village Matley, Sri Hargobindpur, Amandeep Singh son of Ajit Singh resident of Marri Panwan, Sri Hargobindpur, Manpreet Singh son of Kulwant Singh resident of Harchowal, Sri Hargobindpur. 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.”

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 as well as learned counsel for respondent No.2 do 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.42 dated 27.05.2016 for offence under Sections 430, 324, 148 and 149 (326 added later on) IPC, registered at Police Station Shri Hargobindpur, District Batala and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise (Annexure P-2).

15.11.2016

Anjal**[HARI PAL VERMA]**
JUDGE***Whether speaking/reasoned?******Yes******Whether reportable?******Yes/No***