

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

CRM-M-24575 of 2016

Date of decision: 15.11.2016

Sukhdev Singh and others

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Sanjeev Kumar, Advocate for the petitioners.

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

Mr.Munish Puri, 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 the cross-case i.e. DDR (RD) No.14 dated 29.05.2016 for offence under Sections 323, 324, 148 and 149 IPC, registered at Police Station Shri Hargobindpur Police District Batala (Annexure P-1) recorded in FIR No.42 dated 27.05.2016 for offence under Sections 430, 324, 148 and 149 IPC (326 IPC added later on), registered at Police Station Shri Hargobindpur, District Batala(Annexure P-2) and all consequential proceedings arising thereto on the basis of compromise (Annexure P-3).

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, Baldev Singh son of Milkha Singh before the Magistrate on 29.08.2016, reads as under:-

“That the above noted cross-version case registered vide DDR No.14 dated 29.05.2016 u/ 323/324/148/149 IPC, Police Station Sri Hargobindpur was registered on my statement against the accused persons namely Sukhdev Singh son of Jhanda Singh, resident of village Marri Panwan, Tehsil Batala, District Gurdaspur, Hardev Kaur @ Kant Bir Kaur wife of Sukhdev Singh, Devinder Kaur wife of Hardev Singh, Hardev Singh son of Sukhdev Singh, resident of village Marri Panwan, Tehsil Batala and Gurmej Singh son of Banta Singh resident of Mahesh Dogar, Tehsil Batala, District Gurdaspur. 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 DDR.

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 cross-case i.e. DDR (RD) No.14 dated 29.05.2016 for offence under Sections 323, 324, 148 and 149 IPC, registered at Police Station Shri Hargobindpur Police District Batala (Annexure P-1) recorded in FIR No.42 dated 27.05.2016 for offence under Sections 430, 324, 148 and 149 IPC (326 IPC added later on), registered at Police Station Shri Hargobindpur, District Batala(Annexure P-2) 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