

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

CRM-M-23793 of 2015.

Decided on:-02.09.2016.

Jasvir Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. I.S. Brar, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Malkeet Singh Balianwali, Advocate
for respondent No.2-complainant.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition is for quashing of FIR No.115 dated 26.9.2014 under Sections 456, 427, 448, 336, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 6.1.2015 (Annexure P-2).

This Court vide order dated 23.07.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court on 7.8.2015 and the Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Sub-Divisional Judicial Magistrate, Nihal Singh Wala and have got

their statements recorded on 27.11.2015. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 1.12.2015 to the effect that the compromise arrived at between the parties is genuine and voluntary and not result of coercion or undue influence.

In compliance with order dated 21.4.2016 of this Court, report submitted by learned Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Shaheed Bhagat Singh Nagar has been received. The concerned officer has tendered apology for having recorded the statements of the parties on different date i.e. the date given by this Court. He has mentioned that he recorded the statements in good faith. The explanation is accepted. However, the concerned officer is advised to take care in future.

Perusal of the report submitted by learned Magistrate reveals that accused-petitioner No.3 Baljeet Singh did not appear before the Court and he was declared proclaimed offender on 12.10.2015.

Learned counsel for the petitioners states that he does not press the present petition qua petitioner No.3 Baljeet Singh and the same may be dismissed qua petitioner No.3.

Learned State counsel, on instructions from HC Kamaljit Singh, does not dispute the factum of compromise between the petitioners No.1, 2 and 4 to 10 and respondent No.2-complainant. Similarly, learned counsel for respondent No.2-complainant has also accepted the compromise between the parties. The power of attorney filed on behalf of respondent No.2-

complainant in the Court today, is taken on record.

I have heard learned counsel for the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R qua the petitioners No.1, 2 and 4 to 10.

Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and FIR No.115 dated 26.9.2014 under Sections 456, 427, 448, 336, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Badhni Kalan, District Moga (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners No.1, 2 and 4 to 10 on the basis of compromise dated 6.1.2015 (Annexure P-2).

However, it is made clear that since the petitioner No.3 Baljeet Singh has been declared proclaimed offender by the trial Court, the present petition qua him is dismissed.

September 02, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No