

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

CRM-M-24804 of 2016.
Decided on:-17.11.2016.

Kulwinder Singh @ Lallu @ Kala and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Sunny K. Singla, Advocate
for the petitioners.

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

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.169 dated 10.12.2015 under Sections 341, 323, 324, 148 and 149 IPC (Section 326 IPC added later on) registered at Police Station Talwandi Sabo, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of affidavit/compromise dated 18.7.2016 (Annexure P-2).

This Court vide order dated July 23, 2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Sub-Divisional Judicial Magistrate, Talwandi Sabo and got their

statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 5.9.2016 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

The factum of compromise between the parties has not been disputed by learned State counsel.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Balkandar Singh has been recorded by learned Magistrate on 26.8.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“Stated that matter has been compromised with petitioners namely Kulwinder Singh @ Lallu @ Kala, Happy, Rajinder Singh @ Kala, Binder Singh @ Balwinder Singh and Tarsem Singh (petitioners No.1 to 5), voluntarily and without any threat, coercion or undue influence. No other case except the present FIR is pending between us. The present FIR may kindly be quashed.”

Similar statement has also been made by injured Soma Singh, respondent No.3 before learned Magistrate on 26.8.2016. Though none has appeared on behalf of respondents No.2 and 3 in the Court today, but there is nothing on record to doubt about the genuineness of compromise effected between the parties.

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

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.169 dated 10.12.2015 under Sections 341, 323, 324, 148 and 149 IPC (Section 326 IPC added later on) registered at Police Station Talwandi Sabo, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of affidavit/compromise dated 18.7.2016 (Annexure P-2) effected between the parties.

November 17, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No