

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

CRM-M-25182 of 2016

Date of decision: 18.11.2016

Jasmal Singh and others

-----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Amandeep Singh Gill, Advocate for the petitioners.

Mr.Sultan Singh Gill, DAG, Punjab.

None 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.40 dated 12.04.2016 under Sections 325, 323, 379 and 34 IPC, registered at Police Station Ghall Khurd, District-Ferozepur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 07.04.2016 (Annexure P-2).

This Court vide order dated 26.07.2016 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 genuineness of the compromise.

Pursuant to the aforesaid order dated 26.07.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Ferozepur and

got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 27.09.2016 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.

Though, today nobody is present on behalf of respondent No.2-complainant- Narinder Kumar, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 31.08.2016, The said statement reads as under:-

“Stated that FIR No.40 dated 12.04.2016, u/s 325/323/379/34 IPC, PS Ghall Khurd was registered at my instance against accused Jasmail Singh s/o Balwinder Singh, Vijay s/o Darshi @ Darshan Singh and Mangal Singh s/o Sewak Singh. I am complainant of the present case. Now with the intervention of respectables of society, I have effected compromise with accused Jasmail Singh s/o Balwinder Singh, Vijay s/o Darshi @ Darshan Singh and Mangal Singh s/o Sewak Singh. I have no objection if FIR no.40 dated 12.04.2016, u/s 325/323/379/34 IPC, PS Ghall Khurd against the accused persons namely Jasmail Singh s/o Balwinder Singh, Vijay s/o Darshi and Mangal Singh s/o Sewak Singh is quashed. I have done such compromise with my free will and without any coercion or any pressure.”

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 does 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.40 dated 12.04.2016 under Sections 325, 323, 379 and 34 IPC, registered at Police Station Ghall Khurd, District-Ferozepur(Annexure P-1), and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 07.04.2016 (Annexure P-2).

18.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? ***Yes***

Whether reportable? ***Yes/No***