

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

CRM-M-25944 of 2016

Date of decision: 21.11.2016

Dharminder Singh and others

----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

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

Present:- Mr.Prabhjot singh, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Sachin Bhardwaj, Advocate for respondents
No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.51 dated 05.07.2012 for offence under Sections 447, 511, 341, 294, 506, 324, 323, 148 and 149 IPC, registered at Police Station Sudhar, Police District Ludhiana Rural, Distt.Ludhiana and all consequential proceedings arising thereto on the basis of compromise dated 13.07.2016 (Annexure P-2).

This Court vide order dated 01.08.2016 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 01.08.2016, the parties have appeared before learned Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Jagraon and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 26.08.2016 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, *Bhagwant Singh son of Bakhshish Singh* before the Magistrate on 08.08.2016, reads as under:-

“Stated that I have compromised the matter in FIR No.51 dated 05.07.2012 u/s 447/511/341/294/506/324/323/148/149 IPC, PS Sudhar and DDR No.27 dt. 08.07.2012 u/s 323/148/149 IPC on the intervention of the respectables of the village. I voluntarily compromised the matter with the accused/petitioners without any pressure from any person. In this case no accused has been declared as proclaimed offender and no PO proceedings are pending against any of the accused. There are total three accused namely, Dharminder Singh, Paramjeet Singh and Gurmail Singh in this case. The proceedings of the present case may please be quashed and accused may kindly be acquitted.”

Apart from the statement of the complainant-respondent No.2, respondent No.3-Sukhdev Singh has also made a similar statement, 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 respondents No.2 and 3 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.51 dated 05.07.2012 for offence under Sections 447, 511, 341, 294, 506, 324, 323, 148 and 149 IPC, registered at Police Station Sudhar, Police District Ludhiana Rural, Distt.Ludhiana and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 13.07.2016 (Annexure P-2).

21.11.2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No