

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

CRM-M-26651 of 2016
Date of decision: 28.11.2016

Sukhvir Singh

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Ghulam Nabi Malik, Advocate for the petitioner.

Mr.Sultan Singh Gill, DAG, Punjab.

Mr.Talwinder Singh, Advocate for respondent
No. 2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of complaint No.35 dated 25.03.2008 under Sections 323, 324, 326, 506, 148 and 149 IPC titled as "*Jaswinder Singh Vs. Kuldeep Singh etc.*" pending before the Judicial Magistrate Ist Class, Hoshiarpur(Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 11.07.2016 (Annexure P-3).

This Court vide order dated 05.08.2016 had directed the parties to appear before Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 05.08.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Hoshiarpur and

got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 09.09.2016 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.

Statement made by respondent No.2-Jaswinder Singh son of Bakshish Singh with regard to the compromise before learned Magistrate on 08.09.2016, reads as under:-

“Stated that I have filed complaint against accused/petitioner Sukhvir singh alias Sukhi, Kuldeep singh, Harvinder Kaur, Khushwinder Singh, Raghubir Singh alias Kaka under Section 323, 324, 325, 506, 148, 149 IPC titled as Jaswinder Singh Vs. Kuldeep etc., pending in this Court. The other accused namely Kuldeep Singh and Harminder Kaur have been acquitted by the Court of Smt. Ekta Uppal, Id. Judicial Magistrate First Class, Hoshiarpur vide judgment dated 11.02.2015. The accused Khushwinder Singh and Raghubir Singh alias Kaka have been declared proclaimed offender.

Now with the intervention of relatives and friends, I have effected compromise with Sukhvir Singh alias Sukhi petitioner/accused without any coercion or pressure, voluntarily with my free will and consent. I have no objection if the present complaint titled as Jaswinder Singh Vs. Kuldeep Singh pending in this court and its subsequent proceedings are quashed. I have also no objection if the accused/petitioner Sukhvir Singh alias Sukhi is acquitted/discharged.”

Apart from the above statement made by respondents No.2, whereby he has shown no objection to the complaint 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 complaint.

Learned State counsel as well as learned counsel for respondents 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 complaint No.35 dated 25.03.2008 under Sections 323, 324, 326, 506, 148 and 149 IPC titled as "*Jaswinder Singh Vs. Kuldp Singh etc.*" pending before the Judicial Magistrate Ist Class, Hoshiarpur(Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 11.07.2016 (Annexure P-3).

28.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

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

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