

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

CRM-M-27086 of 2016.
Decided on:-23.11.2016.

Harpreet Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Gagandeep Singh Simble, 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.59 dated 30.10.2015 under Section 324 read with Section 34 IPC registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 25.7.2016 (Annexure P-2).

This Court vide order dated August 08, 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 Judicial Magistrate 1st Class, Batala and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted her report dated 16.9.2016 to the effect that the compromise effected between the parties is genuine one, which is not the result of any pressure or coercion.

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 Ranjit Singh has been recorded by learned Magistrate on 9.9.2016. 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 the present FIR bearing No.59 dated 30.10.2015 under Section 324/34 IPC, Police Station Qilla Lal Singh was registered against accused persons namely Harpreet Singh, Gaganpreet Singh, Sukhjinder Singh and Paramjit Singh on my statement. Now I have compromised the matter with above said accused persons with the intervention of the respectables vide compromise deed. Copy of affidavit regarding compromise is Ex.C1. I have no objection if the present FIR bearing No.59 dated 30.10.2015 under Section 324/34 IPC, Police Station Qilla Lal Singh, Batala be quashed. I have given my statement with my free will and without any coercion and any pressure. Copy of my identity card is Ex.C2. Further, compromise effected between me and accused is not having any

adverse effect on the rights of any third party. I have not been declared proclaimed person/offender by any court of law.”

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.

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.59 dated 30.10.2015 under Section 324 read with Section 34 IPC registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise dated 25.7.2016 (Annexure P-2) effected between the parties.

November 23, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No