

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

CRM-M-27528 of 2016.
Decided on:-20.12.2016.

Sukhbir Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Ms. Ravinder Kaur Manaise, Advocate
for the petitioners.

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

Mr. Gagandeep Singh Manku, Advocate
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.193 dated 18.10.2014 under Sections 326, 323 and 324 read with Section 34 IPC (offence under Sections 324 and 326 IPC deleted later on) registered at Police Station Dina Nagar, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom including order dated 3.7.2015 passed by learned Judicial Magistrate 1st Class, Gurdaspur (Annexure P-3) on the basis of affidavit/compromise dated 11.11.2014 (Annexure P-2).

This Court vide order dated September 15, 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, Gurdaspur and got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 12.10.2016 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 as well as learned counsel for respondent No.2-complainant.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that statement of respondent No.2-complainant Jagbir Singh has been recorded by learned Magistrate on 06.10.2016. 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 compromise has been effected between me and accused Sukhbir Singh, Amandeep Singh and Gurjit Singh with the intervention of respectables and relatives and I have no objection if the FIR against the accused person is quashed. The compromise has been effected by me without any pressure from any person and the same is effected voluntarily by me.”

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.193 dated 18.10.2014 under Sections 326, 323 and 324 read with Section 34 IPC (offence under Sections 324 and 326 IPC deleted later on) registered at Police Station Dina Nagar, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of affidavit/compromise dated 11.11.2014 (Annexure P-2).

December 20, 2016

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No