

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

CRM-M-27711 of 2016

Date of decision: 29.11.2016

Darbara Singh and others

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Vikas Gupta, Advocate for the petitioner.

Mr.P.S. Madahar, AAG, 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.76 dated 11.04.2011 under Sections 326, 323 and 34 IPC, registered at Police Station Patti, District Tarn Taran(Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 04.08.2016(Annexure P-2).

This Court vide order dated 11.08.2016 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 11.08.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Patti and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 19.10.2016 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-*Harbhajan Singh*, but no prejudice would be caused to him, as he has already suffered a statement with regard to the compromise before learned Magistrate on 13.09.2016. The said statement reads as under:-

“Stated that the FIR number 76/11.4.2011, under Section 326/323/34 IPC, P.S. Patti, was registered on my statement against the Darbara Singh S/o Amar Singh, Kulwant Kaur W/o Darbara Singh, Gursahib Singh S/o Jagtar Singh and Gulzar Singh S/o Amar Singh, all R/o Village Saidon, Tehsil Patti, District Tarn Taran. Now, I have compromised the matter with above said accused with the intervention of respectable and relatives. Now, I have no grudge with them and we will live happily and peacefully and the compromise is without any pressure, any coercion and undue influence. I have no objection if the above said FIR be quashed.”

Apart from the above 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.76 dated 11.04.2011 under Sections 326, 323 and 34 IPC, registered at Police Station Patti, District Tarn Taran(Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 04.08.2016 (Annexure P-2).

29.11.2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No