

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

CRM-M-28130 of 2016
Date of decision: 29.11.2016

Rajvir Singh @ Raji and others

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

Present:- Mr.Amit Kumar Saini, Advocate for the petitioners.

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

Mr.Amandeep Singh Manaise, Advocate for
Mr. Joginder Pat Ratra, Advocate respondent
No. 2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.162 dated 23.08.2014 under Sections 307, 323, 324, 148 and 149 IPC (Section 307 deleted and 326 added subsequently) registered at Police Station Machiwara Police, District Khanna (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 02.08.2014 (Annexure P-2).

Learned counsel for the petitioners submits that though initially FIR was lodged, inter-alia, under Section 307 IPC but subsequently, Section 326 IPC was added and 307 IPC was deleted, as such, there is no impediment to quash the FIR on the basis of compromise.

This Court vide order dated 16.08.2016 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 16.08.2016, the parties have appeared before learned Sub Divisional Judicial Magistrate, Samrala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 16.09.2016 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 complainant-respondent No.2- Harmanpinder Singh with regard to the compromise before learned Magistrate on 14.09.2016, reads as under:-

“Stated that one FIR No.162 dated 23.08.2014 under Sections 325, 326, 148 and 149 of Indian Penal Code, P.S. Machhiwara, was lodged by me against accused persons Rajvir Singh @ Raji, Simran Singh, Baljit Singh, Harjot Singh and Gagandeep Singh. I am of the complainant/injured of above said case. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the above said accused persons out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. I have no objection if the above said FIR is quashed by the Hon'ble Punjab and Haryana High Court against the accused persons. No criminal case/proclamation proceedings is pending against me. The photocopy of my Adhar Card is Mark-F.”

Apart from the above statement made by respondents 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 as well as learned counsel appearing for respondent 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 FFIR No.162 dated 23.08.2014 under Sections 307, 323, 324, 148 and 149 IPC (Section 307 deleted and 326 added subsequently) registered at Police Station Machiwara Police, District Khanna (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 02.08.2014 (Annexure P-2).

29.11.2016

Anjal

[HARI PAL VERMA]

JUDGE

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No