

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

CRM-M-28290 of 2016.
Decided on:-30.09.2016.

Pargat Singh and another

.....Petitioners.

Versus

The State of Punjab and another

.....Respondents.

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

Present:- Mr. Rajesh Bhateja, Advocate
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab
for the respondent-State.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.24 dated 18.5.2012 under Sections 323, 324, 341, 379, 148 and 149 IPC registered at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 27.7.2016 (Annexure P-2).

This Court vide order dated August 17, 2016 had directed the parties to appear before the trial Court to get their statements recorded in terms of the compromise and the Court was directed to send its report regarding the genuineness of compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Moga and got their statements

recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted his report dated 21.9.2016 to the effect that the compromise effected between the parties is without any coercion, pressure, influence and is genuine one.

The factum of compromise between the petitioners and respondent No.2-complainant 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 Gurmukh Singh has been recorded by learned Magistrate on 19.9.2016. Said statement of respondent No.2-complainant, who is author of the FIR in question, made before learned Magistrate is being reproduced as under:

“I am the complainant and on my instance, FIR No.24 dated 18.5.2012 under Sections 323/324/341/379/148/149 IPC was registered at Police Station Fatehgarh Panjtoor against accused Gursharan Singh alias Mashoori son of Amrik Singh resident of village Fatehgarh Panjtoor, Moga, and Pargat Singh son of Pritam Singh resident of village Fatehgarh Panjtoor, but now we have reached to a compromise with the above said accused persons, with the intervention of respectables of our village. I have reached to a compromise out of my own free will and without any pressure, greed or coercion. I do not want to pursue the present case in future. I have no objection in case the present FIR and subsequent proceedings will be quashed in view of compromise already effected between us. The accused

Gursharan Singh is confined in another case in FIR No.10 dated 27.1.2014 under Section 379 and 411 IPC P.S. Fatehgarh Panjtoor, at Modern Jail, Faridkot. Accused Pargat Singh is present in the Court today and I identify him. Attested photocopy of my ration card is Ex.PX.”

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.24 dated 18.5.2012 under Sections 323, 324, 341, 379, 148 and 149 IPC registered at Police Station Fatehgarh Panjtoor, District Moga (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners, namely, Pargat Singh and Gursharan Singh on the basis of compromise dated 27.7.2016 (Annexure P-2) effected between the parties.

September 30, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No