

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

CRM-M-27871 of 2015

Date of decision: 29.03.2016

Tarsem Singh and another

----Petitioner (s)

V/s

State of Punjab & another

-----Respondent(s)

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

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Anupam Bhardwaj, Advocate for the petitioners.

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

None for respondent No.2/complainant.

HARI PAL VERMA, J.(Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.114(Annexure P-1), dated 10.12.2012, under Sections 447/487/380/34 IPC, registered at Police Station Bhindi Saidan, District-Amritsar, and all other consequential proceedings arising therefrom, on the basis of compromise and affidavit dated 17.07.2015(Annexure P-2) (Colly).

This Court vide order dated 08.01.2016 had directed the parties to appear before the 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 08.01.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Ajnala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 03.02.2016 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 no one is present on behalf of respondent No.2/complainant, namely, Gurcharan Singh son of Harbans Singh, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 25.01.2016. The said statement reads as under:-

“Stated that I have filed a complaint against Tarsem Singh son of Ruldu, R/o village Jasterwal and Baljinder Singh son of Sawinder Singh, R/o village Jasterwal and FIR was lodged against the above said accused bearing FIR no.114 dated 10.12.2012, Under Section 447, 487, 380/34 IPC by the police station, Bhindi Saidan. A compromise was affected between the accused and myself by the respectable persons. There are two number of accused i.e. above named, in the FIR and I have compromised with both of them by the respectable persons of the village. The compromise i.e. Ex.1 made between us is genuine, voluntarily and without any coercion or undue influence.”

Apart from the statement of the complainant-respondent No.2-Gurcharan Singh, 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 counsel for the State also 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.114(Annexure P-1), dated 10.12.2012, under Sections 447/487/380/34 IPC, registered at Police Station Bhindi Saidan, District-Amritsar, and all other consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise and affidavit dated 17.07.2015(Annexure P-2) (Colly).

29.03.2016
Anjal

[HARI PAL VERMA]
JUDGE