

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

CRM-M-28378 of 2015
Date of decision: 14.01.2016

Balwinder Singh @ Bholla & another

-----Petitioner (s)

V/s

State of Punjab & others

-----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. Parminder Singh, Advocate for the petitioner(s).

Mr. R.S. Nain, AAG, Punjab.

HARI PAL VERMA, J.

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of case FIR No.122, dated 03.10.2010(Annexure P-1), for offence under Sections 452, 324, 506, 427 and 34 IPC, registered at Police Station, Mahilpur, District Hoshiarpur and all other subsequent proceedings arising therefrom, on the basis of compromise (Annexure P-2).

This Court vide order dated 24.08.2015 had directed the parties to appear before the trial Court on 09.09.2015 or any other date convenient to the Court to get their statements recorded with regard to the compromise and the trial Court was directed to submit its report along with the statements of both the parties to its satisfaction.

Pursuant to the aforesaid order dated 24.08.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 12.10.2015 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine.

The statement of the complainant-respondent No.2, namely, Sunny Kumar son of Sh. Mohinder Pal, resident of village Bharowal, Police Station Mahilpur, District-Hoshiarpur, reads as under:-

“Stated that FIR No.122 dated 03.10.2010, under Sections 452, 324, 506, 427, 34 of IPC, PS Mahilpur, District Hoshiarpur was registered on my statement against Balwinder Singh @ Bhola son of Surjit Singh and Amandeep son of Kewal Ram @ Kewal Singh, both residents of Village Bharowal, PS Mahilpur, Hoshiarpur. Now I have voluntarily compromised with the accused persons with the intervention of respectable of the village as well as relatives of both sides and a compromise dated 18.8.2015 was reduced into writing, which bears my signature and same is Ex.C1. The compromise effected without any pressure, undue influence and coercion. No other case is pending among us, except the present case and the case titled as State Vs. Mohinder Pal alias Kuku, FIR No.39 dated 04.03.2010, under Sections 323 324, 452, 148, 149, Police Station Gargshankar (now Police Station Mahilpur) District Hoshiarpur, and the same is pending in the Court of Shri Jagmilap Singh Khushdil, learned Judicial Magistrate Ist Class, Hoshiarpur, regarding which quashing petition bearing CRM No. M-28380 of 2015 is also filed before the Hon'ble Court of Punjab and Haryana and the same is fixed for 17.11.2015. As per the order of Hon'ble High Court in CRM

No. M-28380 of 2015, statements of the parties have also been recorded on 09.09.2015. I have no objection if the present FIR and its subsequent proceedings be quashed by the Hon'ble High Court

RO & AC
Sd/- Sunny Kumar

Sd/-
(Suman Agnihotri)
JMIC/Hoshiarpur
16.09.2015”

Apart from the statement of the complainant-respondent No.2- Sunny Kumar, 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 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.122, dated 03.10.2010(Annexure P-1), for offence under Sections 452, 324, 506, 427 and 34 IPC, registered at Police Station, Mahilpur, District Hoshiarpur and all other subsequent proceedings arising therefrom are quashed, qua the petitioners, in view of compromise (Annexure P-2).

14.01.2016
Anjal

[HARI PAL VERMA]
JUDGE