

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

CRM-M-31224 of 2016
Date of decision: 19.12.2016

Kulwinder Singh

-----Petitioner (s)

V/s

State of Punjab and another

-----Respondent(s)

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

Present:- Mr.S.P.Thukral, Advocate for the petitioner.

Mr.Sultan Singh Gill, DAG, Punjab.

Mr.Puneet Malik, Advocate for 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.102 dated 03.07.2016 under Sections 279, 337 and 338 IPC, registered at Police Station Phase 1, Distt. SAS Nagar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 08.08.2016 (Annexure P-2).

This Court vide order dated 05.09.2016 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 05.09.2016, the parties have appeared before learned Chief Judicial Magistrate, SAS Nagar, Mohali and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 24.10.2016 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.

The statement made by respondent No.2-Shiv Raj @ Shib before the learned Magistrate on 30.09.2016, reads as under:-

“Stated that an FIR No.102 dt. 03.07.2016 U/s 279, 337 and 338 IPC was registered at Police Station Ph-1, Mohali against accused Kulwinder Singh. All the misunderstandings and grudges now ceased to exist between both the parties, in order to lead harmonious life in future by families together. Resultantly both the parties entered into mutual compromise dt. 8.8.2016 (Ex.C1), in order to bring an end the aforesaid criminal case to settle down peacefully and amicably in future jointly. No misunderstanding or grudge is pending between us. This compromise Ex.C1 has been effected mutually between us, with the free will, without any force, fraud and pressure, with the intervention of elderly relatives and respectables of the society, in order to transmit a good signal in the society. I also submitted my duly sworn affidavit dt. 15.07.2016 (Ex.C2) in support of our compromise Ex.C1. My copy of adhar Card is Ex.C3. I have no objection in case the aforesaid FIR is quashed against accused Kulwinder Singh, on the basis of the compromise Ex.C1. Neither I nor accused are involved in any other criminal case of any sort in any where in India or abroad except the aforesaid FIR 102 dt. 03.07.2016 registered at P.s. PH-1, Mohali. I identify my signatures on my compromise Ex.C1 and my affidavit Ex.C2.”

Apart from the above statement made by 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 as well as learned counsel for respondent No.2 have not disputed 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.102 dated 03.07.2016 under Sections 279, 337 and 338 IPC, registered at Police Station Phase 1, Distt. SAS Nagar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioner in view of the compromise dated 08.08.2016 (Annexure P-2).

19.12.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? ***Yes***

Whether reportable? ***Yes/No***