

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

CRM-M-3269 of 2016

Date of decision: 22.04.2016

Gurnam Singh and others

----Petitioner (s)

V/s

State of Haryana & 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. Raj Karan Singh Verka, Advocate for the petitioners.

Mr. Ashish Yadav, Addl. A.G. Haryana.

Mr. Ivneet Singh Pabla, Advocate for respondents
No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.233, dated 05.07.2007, for the offences punishable under Sections 323, 324, 325 and 506 read with Section 34, IPC and Section 25 of the Arms Act, registered at Police Station, Pehowa, District Kurukshetra, and all the consequential proceedings arising therefrom, on the basis of the compromise dated 11.01.2016 (Annexure P-2).

This Court vide order dated 01.02.2016 had directed the parties to appear before learned trial Court on 18.02.2016 to get their statements recorded with regard to compromise and the learned

trial Court was directed to submit its detailed report alongwith copies of the statements of the parties qua the genuiness of the compromise.

Pursuant to the aforesaid order dated 01.02.2016, the parties have appeared before learned Sub Divisional Judicial Magistrate, Pehowa and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 19.02.2016 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.

Learned counsel for the petitioners submits that the statement of complainant, namely, Hukam Singh son of Niranjan Singh, in the impugned FIR could not be recorded, as he has died after the registration of the case.

However, joint statement suffered by respondents No. 2 to 4 i.e. *Gurcharan Singh, Kuldeep Singh and Rajinder Kaur*, who are stated to be injured in the case, before the Magistrate on 18.02.2016, reads as under:-

“Stated that we have compromised the matter with the accused/petitioners with the intervention of respectable persons of village as both the parties are resident of village Singhpura. Both the parties except respondent Kuldeep Singh belong to the same family and family relations have been developed between the parties after compromise. We have no grouse against the petitioners and we do not want to proceed further with the case in view of the compromise. We have compromised the matter with the accused/petitioners voluntarily out of our free will and consent and without any duress whatsoever and the compromise will be for the benefit of the parties and their family members. We have no objection, if the present FIR and the proceedings relating thereto are quashed by the Hon'ble Punjab and Haryana High Court”

Apart from the statement of the respondents No. 2 to 4, whereby they have 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 as well as learned counsel for respondents No. 2 to 4 does not dispute the factum of compromise entered into 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.233, dated 05.07.2007, for the offences punishable under Sections 323, 324, 325 and 506 read with Section 34, IPC and Section 25 of the Arms Act, registered at Police Station, Pehowa, District Kurukshetra, and all the consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 11.01.2016 (Annexure P-2).

22.04.2016
Anjal

[HARI PAL VERMA]
JUDGE