

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

CRM-M-32234 of 2015

Date of decision: 04.02.2016

Harvinder Singh @ Jacky 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. Anoop Singla, Advocate for the petitioners.

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

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.85, dated 21.07.2014, for the offences punishable under Sections 341, 323, 148 and 149 IPC, registered at Police Station, Phase XI, Mohali (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of the compromise dated 13.08.2015 (Annexure P-2).

This Court vide order dated 21.09.2015 had directed the parties to appear before the Illaqa Magistrate on 08.10.2015 or any other date convenient to the Court to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to submit its report alongwith the statements of the parties about the

genuineness of the compromise.

Pursuant to the aforesaid order dated 21.09.2015, the parties have appeared before learned Chief Judicial Magistrate, Mohali and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 09.10.2015 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 suffered by the complainant-respondent No.2, namely, Shanky Kumar son of Sh. Inder Mohan before the Magistrate on 08.10.2015, reads as under:-

“Stated that FIR of the present case was registered in terms of my statement against the accused. I have effected compromise with the accused. I effected the compromise voluntarily with accused without any pressure or coercion from any quarter. So, I do not want to pursue the FIR. I have no objection if the FIR is quashed on the basis of compromise. It is also stated that there is no other criminal case is pending between us and there is no P.O. Proceedings are pending in the present FIR.

RO & AC
Sd/- Shanky Kumar

Sd/-
Shiv Mohan Garg
CJM/ Mohali/08.10.2015”

Apart from the statement of the complainant-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 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.85, dated 21.07.2014, for the offences punishable under Sections 341, 323, 148 and 149 IPC, registered at Police Station, Phase XI, Mohali (Annexure P-1), and all other consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 13.08.2015 (Annexure P-2).

04.02.2016

Anjal

**[HARI PAL VERMA]
JUDGE**