

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

CRM-M-32676 of 2015

Date of decision: 06.04.2016

Rajesh Kumar @ Ladi & others

----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. Ajay Singla, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Narinder Lucky,, Advocate
for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.49, dated 20.03.2010, for offences punishable under Sections 323, 324, 452 and 506 read with Section 34 IPC registered at Police Station, Division No.1, Jalandhar (Annexure P-1), and all the consequential proceedings arising therefrom on the basis of compromise dated 26.11.2014(Annexure P-3).

This Court vide order dated 28.09.2015 had directed the parties to appear before the learned trial Court on 21.10.2015 to get

their statements recorded with regard to compromise and the learned Court was directed to submit a detailed report qua the genuineness of the compromise along with the copies of the statements of the parties.

Pursuant to the aforesaid order dated 28.09.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 02.11.2015 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 complainant-respondent No.2, namely, *Kamal Kishore @ Kebi* son of Gurmit Ram with regard to validity of the compromise before learned Magistrate on 21.10.2015, reads as under:-

“Stated that I have compromised the matter with the accused and dispute has amicably been settled with the intervention of respectables. Therefore, I am fully satisfied with the compromise. Hence, I do not want to proceed further with the present case. I make this statement of my free will and the said compromise is without any pressure or coercion from any side, in any manner.”

On 05.01.2016, this Court finds that respondent No.3 Mindo, wife of Gurmeet Ram, has neither appeared before learned Court below nor her statement was recorded. Even there is no reference in the report received from learned trial Court with regard to the compromise by Mindo, an injured, with the petitioners.

Accordingly, this Court vide order dated 05.01.2016, had

again directed respondent No. 3/injured, Mindo, to appear on 18.1.2016, before the learned trial Court, which shall record her statement with regard to the compromise and submit its additional report in that regard along with a copy of her statement to this Court on or before the adjourned date.

Pursuant to the aforesaid order dated 05.01.2016, respondent No. 3/injured, Mindo has appeared before learned Judicial Magistrate Ist Class, Jalandhar and got her statement recorded. On the basis of the statement so recorded, learned Magistrate has forwarded his additional report dated 28.01.2016 to the effect that respondent No. 3/injured, Mindo has willfully compromised the matter with the accused persons.

The statement suffered by respondent No. 3/injured, namely, *Mindo* wife of Gurmit Ram with regard to validity of the compromise before learned Magistrate on 18.01.2016, reads as under:-

“Stated that the matter has been compromised with the complainant and dispute has been amicably settled with the intervention of respectables. I make this statement of my free will and the said compromise is without any pressure or coercion from any side, in any manner.”

Apart from the statement of the complainant-respondent No.2-Kamal Kishore @ Kebi and respondent No.3/injured-Mindo, 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 respondents No.2 and 3 admits the factum of compromise arrived at between the parties.

Learned counsel for the State has also not disputed the factum of compromise arrived at 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.49, dated 20.03.2010, for the offences punishable under Sections 323, 324, 452 and 506 read with Section 34 IPC registered at Police Station, Division No.1, Jalandhar (Annexure P-1), and all the consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of compromise dated 26.11.2014(Annexure P-3).

06.04.2016
Anjal

[HARI PAL VERMA]
JUDGE