

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

CRM-M-3381 of 2016

Date of decision: 23.07.2016

Jagjit Singh

-----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. Parneet Singh Baidwan, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Varun Sharma, Advocate for respondents
No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.148 dated 17.11.2015, under Sections 279, 337, 338 and 427 IPC, registered at Police Station Shambhu, District Patiala (Annexure P-1) and all the proceedings subsequent arising thereto on the basis of compromise dated 26.11.2015 (Annexure P-2) and affidavit of father of injured respondent No.3 dated 2.1.2016 (Annexure P-3).

This Court vide order dated 22.04.2016 had directed the parties to appear before the 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. however, parties could not appear. Again vide order dated 22.04.2016, another opportunity was granted to the parties to appear before the learned Illaqa Magistrate/trial Court to get their statements recorded.

Pursuant to the aforesaid order dated 22.04.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Rajpura and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 18.05.2016 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 the complainant-respondent No.2, namely, *Navdeep Sharma* son of Davinder Kumar Sharma before the Magistrate on 13.05.2016, reads as under:-

"I am complainant in the case. FIR was registered at my instance now compromise has been effected with the accused jagjit Singh, voluntarily with my free Will and without any coercion & pressure, as we have amicably settled the matter with the intervention of respectables of the society & relatives & in view of the compromise I do not want to pursue the present case. The petitioner Jagjit Singh has filed a petition U/s 482 Cr.P.C. for quashing the above said FIR vide CRM-M-No.3381 of 2016 before the Hon'ble Punjab and Haryana High Court. I have no objection if the FIR in question be quashed."

Apart from the statement of the complainant-respondent No.2-, *Navdeep Sharma* whereby he has shown no objection to the FIR being quashed, Rajat Kumar father of injured respondent No.3-Bhavya Sharma has also suffered a similar statement in support of the compromise before

the learned Magistrate on 13.05.2016. 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 entered between the parties.

Learned counsel for the State has also 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.148 dated 17.11.2015, under Sections 279, 337, 338 and 427 IPC, registered at Police Station Shambhu, District Patiala (Annexure P-1) and all the proceedings subsequent arising thereto and all other consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 26.11.2015 (Annexure P-2) and affidavit of father of injured respondent No.3 dated 2.1.2016 (Annexure P-3).

23.07.2016
Anjal

[HARI PAL VERMA]
JUDGE