

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34365-2016

Date of Decision:- 02.12.2016

Kulwinder Singh and others

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ravi Chadda, Advocate, for the petitioners.

Mr. APS Gill, AAG, Punjab.

Mr. Shiv K. Sharma, Advocate
for respondent No.2.

RITU BAHRI, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.125 dated 22.05.2013, under Sections 323, 452, 34, 354 and 506 IPC, registered at Police Station Tanda, District Hoshiarpur, on the basis of compromise dated 18.09.2016 (Annexure P-2).

Brief facts of the case are that on 18.05.2013 at about 8.30 PM, complainant-respondent No.2 was present in her house and accused Kulwinder Singh armed with Dang, Nirmal Singh armed with *danda* and Joginder Singh armed with brickbat have entered into her house and started giving beatings to her. Upon hearing her hue and cry, her husband and one Gurtej Singh came there and saved the complainant. Thereafter, all the accused ran away from the spot by giving threats to the life of complainant and her husband. Later on, the present F.I.R was registered against the petitioners.

Learned counsel for the petitioners submits that keeping in view the peace and harmony, the matter has now been amicably settled between the parties with the intervention of respectable persons and relatives, vide compromise deed dated 18.09.2016 (Annexure P-2).

During the course of preliminary hearing, the trial Court, was directed to record the statements of all the concerned parties, with regard to the genuineness and validity or otherwise of the compromise dated 18.09.2016 (Annexure P-2), by way of order dated 26.09.2016, by this Court.

In compliance of order dated 26.09.2016 of this Court, the report of the Judicial Magistrate 1st Class, Dasuya, dated 21.11.2016 has been received. As per the report, the statements of all the concerned parties have been recorded and the complainant has no objection, if the present FIR registered against the petitioners is quashed. Statements of the petitioners and complainant have been recorded to the same effect.

Consequently, in view of the above-said report and in view of the judgments of the Hon'ble Supreme Court in **Dr. Arvind Barsaul etc. Vs. State of Madhya Pradesh and another, 2008(2) RCR (Criminal) 910; Madan Mohan Abbot vs. State of Punjab, 2008(2) RCR (Criminal) 429** and the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another, 2007(3) RCR (Crl.) 1052**, no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No.125 dated 22.05.2013, under Sections 323, 452, 34, 354 and 506 IPC, registered at Police Station Tanda, District Hoshiarpur and all the subsequent proceedings arising therefrom are hereby quashed, on the basis of compromise dated 18.09.2016 (Annexure P-2).

The present petition stands disposed of.

December 02, 2016
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No