

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

CRM-M-33494 of 2015

Date of decision: 03.05.2016

Gagandeep

----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. Saneep Arora, Advocate for the petitioner.

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

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.338 dated 20.11.2013 for offence punishable under Sections 323, 325, 451, 427, 148 and 149 IPC, registered at Police Station, Sadar, Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise deed dated 17.12.2013 (Annexure P-2).

This Court vide order dated 30.09.2015 had directed the parties to appear before the trial Court on the date fixed to get their statements recorded with regard to compromise and the trial Court was directed to submit its report alongwith the statements of the

parties qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 30.09.2015, the parties have appeared before learned Addl. Chief Judicial Magistrate, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 04.01.2016 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.

Though, today no one is present on behalf of respondent No.2/complainant, namely, *Pardeep Kumar Sidhu*, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 11.12.2015. The said statement reads as under:-

“Stated that compromise has been effected between me and the accused Gagandeep Singh without any influence from any side and with my own sweet will and consent and without any pressure from any side. Written compromise was also reduced into writing and the copy of the same is mark X. In my FIR, I had named unidentified persons but my main grudge was with the accused so the matter has been compromised so I do not want to pursue with the present FIR. I also do not press for any proceedings against said unidentified persons if, on a future date, they are identified as being involved in this case. I want the controversy to rest and I have no objection if the FIR is quashed against the present accused and also against the unidentified persons. I have brought my original Voter ID card with me, copy of the same is Ex.C1.

Apart from the statement of the complainant/respondent No.2-*Pardeep Kumar Sidhu*, 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 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.338 dated 20.11.2013 for offence punishable under Sections 323, 325, 451, 427, 148 and 149 IPC, registered at Police Station, Sadar, Jalandhar (Annexure P-1) and all other consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise deed dated 17.12.2013 (Annexure P-2).

03.05.2016

Anjal

**[HARI PAL VERMA]
JUDGE**