

263.

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

CRM-M-33994-2015

Date of decision:21.10.2016

Kulwinder Singh and others

... Petitioners

versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurbachan Singh Bhatia, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. S.S. Chadha, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.154 dated 16.10.2014 under Sections 160, 353, 186, 506 of IPC and Sections 25, 27, 54/59 of Arms Act, registered at Police Station Urban Estate, Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 17.09.2015 (Annexure P-2).

Learned counsel for the petitioners states that in view of judgment rendered by the Division Bench of this Court in CRM-M-31765-2012 titled as **Vinod @ Boda and others Versus State of Haryana and another**, decided on 01.05.2013 wherein FIR registered under Sections 148, 149, 332, 353, 186, 506 of IPC was quashed on the basis of compromise, the present petition can also be decided in the light of said judgment.

This Court vide order dated 05.10.2015 had directed the parties to appear before the Chief Judicial Magistrate/Duty Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Patiala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.12.2015 to the effect that the compromise has been arrived between the parties voluntarily, without any coercion or undue influence.

Respondent No.2-complainant, namely, SC Suresh Kumar No.3370 has made his statement with regard to compromise before learned Magistrate on 16.11.2015. The same is reproduced as under:-

“I got registered the above mentioned FIR against these accused namely Kulwinder Singh son of Harbans Singh resident of House no.177, Anand Nagar, A Extension, Tripri, Charanjot Singh son of Rajinder Singh resident of House no.33, Street no.7, Dashmesh Nagar, Patiala, Navpreet Singh @ Navi son of S Gulzar Singh, resident of Dashmesh Nagar, Patiala, Ravinder Singh @ Rajvir Son of Sadhu Singh resident of House no.51, Dashmesh Nagar, Patiala. I have compromised the matter with the accused with intervention of respectables without any pressure or coercion and with our free will and now henceforth neither I nor the complainant will institute any litigation regarding the present compromise matter against each other. I have no objection if the FIR is quashed. No criminal proceeding is pending against me. Compromise is mark X.”

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise between the parties.

Heard.

Hon'ble Division Bench of this Court in CRM-M-31765-2012

titled as '**Vinod @ Boda and others Versus State of Haryana and another**'

has observed as under:-

“Vinod @ Boda etc. have preferred petition under Section 482 of the Code of Criminal Procedure (in short – the Cr.P.C.) for quashing FIR No. 13 dated 13.10.2010 registered under Sections 148, 149, 332, 353, 186 and 506 of the Indian Penal Code (in short – the IPC) Police Station Titram District Kaithal (Annexure P-1) on the basis of compromise Annexure P-2.

2. Report of the trial Court has been received that parties have arrived at a compromise.

3. Learned counsel for the parties have arrived at a compromise and this Court (Jitendra Chaudhan, J.) vide order dated 8.11.2012 passed in Criminal Misc. No. M- 31858 of 2012 titled as Ranjit Singh and Anr. vs. State of Punjab and Anr. allowed the compromise in respect of offences under Sections 353, 186, 341, 332, 427 and 34 of the IPC. Counsel for the petitioners also relied upon authority in C.W.P. No. 4964 of 2013 titled as Court on its own motion vs. U.T., Chandigarh and others and allowed the compromised.

4. Learned State counsel has submitted that compromise cannot be allowed for offence under Sections 353 and 186 of the IPC, as these offences are against the State.

5. I have considered the submissions made by both the sides and have gone through the records of this case.

6. So far as the reliance of petitioners on C.W.P.No. 4964 of 2013 titled as Court on its own motion vs. U.T. Chandigarh and others' case (supra) is concerned in that writ petition there was a dispute between the version given by the Head Constable on one side and Shri Rupinder Singh Khosla, Advocate on the other side and the Division Bench of this court entrusted the matter to the Registrar, Vigilance to carry out a fact finding inquiry.

7. *As per report both the sides in the larger interest of the society and for maintaining harmony and strengthening the machinery of administration of justice have mutually decided not to refer the matter to the Court of law and the case was decided accordingly. It was observed in that judgment that there was no likelihood of any success and this exercise would prove to be in futility. The FIR was quashed at the threshold."*

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, as well as Division Bench judgment of this Court in **Vinod @ Boda and others' case** (supra), this petition is allowed and F.I.R. No.154 dated 16.10.2014 under Sections 160, 353, 186, 506 of IPC and Sections 25, 27, 54/59 of Arms Act, registered at Police Station Urban Estate, Patiala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.09.2015 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

21.10.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.