

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

CRM-M-34802 of 2015
Date of decision: 10.02.2016

Harpal Singh @ Bhala and others **-----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. B.S. Aulakh, Advocate for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

Mr. Gaurav Sharma, Advocate for respondents
No.2 to 7.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.20, dated 09.05.2014 under Sections 323, 324, 34, 148 and 149 IPC, registered at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 03.10.2015 (Annexure P-3).

This Court vide order dated 03.11.2015 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report about the genuineness of the compromise.

Pursuant to the aforesaid order dated 03.11.2015, the

parties have appeared before learned Civil Judge(Jr. Division)-cum-JMIC, Malout and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 02.02.2016 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 joint statement suffered by the complainant-respondent No.2, namely, Major Singh son of Gulab Singh, eye-witness namely, Jagsir Singh alias Seera son of Baldev Singh, respondent No.4-Sarabjit Kaur wife of Mehma Singh, respondent No.5-Manjit Kaur wife of Jagtar Singh, respondent No.6-Harjinder Singh son of Gurdeep Singh and respondent No.7-Rani wife of Biker Singh before the Magistrate on 18.11.2015, reads as under:-

“We have arrived at a compromise in this matter with the accused namely Harpal alias Bhola Singh son of Kahan Singh, Tarsem Singh son of Jagroop Singh, Jagwinder Singh alias Gindhi son of Charat Singh, Rasal Singh son of Geera Singh and Raghubir Singh alias Gehira Singh son of Khan Singh with the intervention of the village Panchayat. The matter has been amicably sorted out between us and the accused persons. We have no grudge with the accused persons. The compromise has been arrived at voluntarily without any pressure, coercion, by the other party and with our own sweet will. We do not want to proceed with the present case and we have no objection if the present case FIR is quashed against the accused.

RO & AC
Sd/- Major Singh
Sd/- Jagsir Singh
Sd/- Sarabjit Kaur
RTI-Manjit Kaur
Sd/-Harjinder Singh
Sd/-Rani

Sd/-
(Devnoor Singh)
Judicial Magistrate First Class
Malout-18.11.2015.”

Respondent No.3-Gurdeep Singh, who is one of the injured, has also suffered a similar statement before the learned Magistrate on 18.11.2015.

Apart from the above statements, whereby respondent No. 2 to 7 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 the State as well as learned counsel for respondents No.2 to 7 does not dispute 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.20, dated 09.05.2014 under Sections 323, 324, 34, 148 and 149 IPC, registered at Police Station Kabarwala, District Sri Muktsar Sahib (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 03.10.2015 (Annexure P-3).

10.02.2016
Anjal

[HARI PAL VERMA]
JUDGE