

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

CRM-M-34826 of 2015

Date of decision: 29.03.2016

Baljinder Singh & others

----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. S.S.Grewal, Advocate for the petitioners.

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

Mr. B.S. Jatana, Advocate for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.75 dated 10.07.2014, under Sections 452, 323, 34 IPC and Section 27 of the Arms Act, 1959, registered at Police Station City-II, Mansa, District Mansa and all other consequential proceedings arising therefrom on the basis of compromise dated 24.09.2015 (Annexure P-2).

This Court vide order dated 19.01.2016 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.

Pursuant to the aforesaid order dated 19.01.2016, the parties have appeared before learned Chief Judicial Magistrate, Mansa and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 23.02.2016 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 Statement suffered by complainant-respondent No.2, namely, *Bhagwant Singh* son of Gamdoor Singh with regard to validity of the compromise before learned Magistrate on 18.02.2016, reads as under:-

“Stated that the respectable persons have got the matter between accused Baljinder Singh son of Bhura Singh, Surinderpal Singh son of Garja Singh both residents of village Chakk Alisher, Tehsil Budhala & Distt. Mansa and Yadwinder Singh son of Gurdarshan Singh resident of Ward no.16, Mansa with me being compromised. I do not want any action against accused persons in the present case. Compromise has been effected by me with free consent without any pressure, undue influence, coercion or fear upon me. My grievance has been satisfied. I have no objection if the above said FIR is quashed. Original compromise is already on the file in the Hon'ble High Court.”

Apart from the statement of the complainant-respondent No.2-*Bhagwant Singh*, 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 respondents No.2 admits the factum of compromise arrived at between the parties.

Learned counsel for the State, on instructions from Head Constable-Ram Dhan, also does not dispute the factum of compromise entered between the parties and rather submits that police is in the process of submitting the cancellation report.

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.75 dated 10.07.2014, under Sections 452, 323, 34 IPC and Section 27 of the Arms Act, 1959, registered at Police Station City-II, Mansa, District Mansa and all other consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 24.09.2015 (Annexure P-2).

29.03.2016
Anjal

[HARI PAL VERMA]
JUDGE