

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

CRM-M-35610 of 2015

Date of decision: 29.03.2016

Hardeep 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. Rishu Mahajan, Advocate for the petitioners.

Mr. R.S Nain, AAG, Punjab.

None for respondent No.2/complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.214 dated 28.5.2015 (Annexure P-1) under Sections 341, 323, 148 and 149 IPC, registered at Police Station Division-A, Amritsar City, and all the proceedings subsequent arising therefrom on the basis of compromise dated 08.10.2015 in the form of affidavit of respondent No.2-complainant (Annexure P-2).

This Court vide order dated 12.01.2016 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 12.01.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 08.02.2016 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.

Though, today no one is present on behalf of respondent No.2, 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 29.01.2016. Statement of complainant-respondent No.2, namely, *Kartik Sharma* son of Rajesh Sharma, reads as under:-

“One FIR no.214 dated 28.05.2015 under Section 341, 323, 148, 149 of IPC PS A Division, Amritsar was registered against the accused Hardeep Singh, Shamsher Singh and Nirlep Singh at my instance. Now with the intervention of respectable of the society, a compromise has been effected between us without any pressure and undue influence. The compromise is genuine and voluntary. As per the compromise, I do not want to proceed with the case further. I have no objection if the FIR No.214, dated 28.05.2015 under section 341, 323, 148, 149 of IPC registered at PS A Division, Amritsar is quashed by the Hon'ble High Court. There is no other criminal case pending against the accused. As per my information the accused were never declared as proclaimed offenders.”

Apart from the statement of the complainant-respondent No.2-Kartik Sharma, 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 also does not dispute the factum of compromise arrived at 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.214 dated 28.5.2015 (Annexure P-1) under Sections 341, 323, 148 and 149 IPC, registered at Police Station Division-A, Amritsar City, and all the proceedings subsequent arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 08.10.2015 in the form of affidavit of respondent No.2-complainant (Annexure P-2).

29.03.2016
Anjal

[HARI PAL VERMA]
JUDGE