

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

CRM-M-37167 of 2015(O&M)

Date of decision: 16.05.2016

Kamaljit Walia

----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. Dhruv Gupta, Advocate for
Mr. Gursimran Singh, Advocate for the petitioners.

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

None for respondents No. 2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.108 dated 03.09.2014 for offence under Sections 452, 323, 380, 354, 506 IPC, registered at Police Station, Jamalpur, Distt. Ludhiana (Annexure P-1) on the basis of compromise dated 14.10.2015(Annexure P-4).

This Court vide order dated 16.11.2015 had directed the parties to appear before the trial Court/Illaq Magistrate concerned 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 effected

between the parties.

Pursuant to the aforesaid order dated 16.11.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 12.01.2016 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 respondents No.2 and 3, but no prejudice would be caused to them, as they have already suffered a statement with regard to validity of the compromise before learned Magistrate on 07.01.2016. The statement suffered by complainant/respondent No.2-Soni Pandita wife of Ashok Pandita, reads as under:-

"Stated that I am complainant in case FIR no.108 dated 03.09.2014 u/s. 452, 380, 354, 323, 506 IPC PS Jamalpur, Ludhiana registered against Kamaljit Walia son of Amarjit Singh Walia, R/o H.no.507, Dasoda Singh Road, Civil Lines, Ludhiana. That now with the intervention of the respectable and friends, I have entered into compromise with Kamaljit Walia. The photocopy of compromise deed is Ex.PA. On which I identify my signatures on the same. The compromise is genuine and is out of my free will and consent and without any coercion and undue influence from any side. I have no objection if the above said FIR is quashed by Hon'ble High Court."

Apart from the above statement of the complainant-respondent No.2, similar statement of respondent No.3 was also recorded, 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.108 dated 03.09.2014 for offence under Sections 452, 323, 380, 354, 506 IPC, registered at Police Station, Jamalpur, Distt. Ludhiana (Annexure P-1), is quashed, qua the petitioner, in view of the compromise dated 14.10.2015(Annexure P-4).

16.05.2016
Anjal

[HARI PAL VERMA]
JUDGE