

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

CRM-M- 37800 of 2015

Date of decision: 28.01.2016

Lakhan Kumar 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. Chetan Chauhan, Advocate for
Mr. Sanjeev Banga Advocate for the petitioners.

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

Mr. G.S. Bhatia, Advocate for
respondents no. 2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of cross-version i.e. DDR No.44, dated 25.08.2011 for offence under Sections 323/324/34 IPC (Annexure P-1) in FIR No.104, dated 17.07.2011, for the offence under Sections 323/452/379/427/506/34 IPC, registered at Police Station, Cantonment, District-Amritsar(Annexure P-2) on the basis of compromise/settlement dated 24.10.2015(Annexure P-3).

This Court vide order dated 04.11.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to the compromise and the concerned Court was directed to submit

its report regarding compromise.

Pursuant to the aforesaid order dated 04.11.2015, 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 her report dated 07.01.2016 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.

Learned counsel for respondents No. 2 to 4 as well as learned counsel for the State also admit the factum of compromise entered between the parties.

The statement of the complainant-respondent No.3, namely, Ravi Kumar son of Mangat Ram, reads as under:-

“Stated that I have heard the statements of all accused present in the court today, which are correct. I have compromised the matter with all the accused as per written compromise dated 24.10.2015, which has already been submitted before the Hon'ble High Court as annexure P-3 in quashing petition preferred by them, voluntarily, without any threat, fear or coercion from any corner. I have no objection if the present FIR registered against all the accused may be quashed.

RO & AC
Sd/- Ravi Kumar

Sd/-
(Sushma Devi)
JMJC/Asr-17.11.2015”

Apart from the statement of the complainant/respondent No.3- Ravi Kumar, 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.

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 cross-version i.e. DDR No.44, dated 25.08.2011, for offence under Sections 323/324/34 IPC (Annexure P-1) in FIR No.104, dated 17.07.2011, for the offence under Sections 323/452/379/427/506/34 IPC, registered at Police Station, Cantonment, District-Amritsar(Annexure P-2), qua the petitioners, is quashed, in view of the compromise/settlement dated 24.10.2015(Annexure P-3).

28.01.2016

Anjal

[HARI PAL VERMA]

JUDGE