

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

CRM-M-38029 of 2015

Date of decision: 19.01.2016

Shellu Kumar @ Chhellu Ram and 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. B.S. Sidhu, Advocate for the petitioner(s).

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. G.S. Saini, Advocate for respondent No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of the cross-case i.e. DDR No.25, dated 26.01.2012 under Sections 324 and 34 IPC, registered at Police Station Sadar Abohar, District-Ferozepur (Annexure P-2) in case FIR No.06 dated 02.02.2012 under Sections 326, 325, 342, 382, 324, 323 and 34 IPC, registered at Police Station Sadar Abohar, District-Ferozepur (Annexure P-1) and all consequent proceedings arising therefrom on the basis of compromise dated 30.10.2015 (Annexure P-3)

This Court vide order dated 05.11.2015 had directed the parties to appear before the trial Court to get their statements recorded with regard to the compromise and the trial Court was directed to submit its report qua the

genuiness of the compromise along with the copies of the statements.

Pursuant to the aforesaid order dated 05.11.2015, the parties have appeared before Judicial Magistrate Ist Class, Abohar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 04.01.2016 to the effect that the parties have willfully settled their differences and reached at bona fide compromise without any pressure and the same is genuine.

The statement of the complainant-respondent No.2, namely, Baldev Singh son of Sh. Bagga Singh, reads as under:-

“Stated that the FIR No.6 dated 02.02.2012 under Section 342, 326, 382, 325, 323, 34 IPC PS Sadar Abohar was registered against me and others on the statement of Shallu Kumar and cross-casse was also registered against Shallu Kumar and others vide DDR No.25 dated 26.01.2012 under Sections 324, 34 IPC in the FIR No.6. Now with the intervention of respectable and panchayat members of the locality compromise has been effected between both the parties. Compromise deed dated 30.10.2015 was scribed in this regard and the copy of which is Ex.PA on which I identify my signature and it also bears the signatures of members of both the parties and of respectables and copy of affidavit dated 30.10.2015 Ex.PB. Now on the basis of compromise, we have filed the quashing petition bearing CRM No.38029 of 2015, so kindly be FIR may quash on the basis of compromise. The compromise has been effected between the parties without any pressure, coercion and without any undue influence for the betterment of both the parties. I have never declared as proclaimed offender in abovesaid FIR/DDR.

RO & AC

Sd/- Baldev Singh

Sd/-

(Rahul Kumar)

JMIC/Abohar.

17.12.2015”

Apart from the statement of the complainant-respondent No.2-

Baldev 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 the State as well as learned counsel for respondent no.2-complainant do 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 cross-case i.e. DDR No.25, dated 26.01.2012 under Sections 324 and 34 IPC, registered at Police Station Sadar Abohar, District-Ferozepur (Annexure P-2) in case FIR No.06 dated 02.02.2012 under Sections 326, 325, 342, 382, 324, 323 and 34 IPC, registered at Police Station Sadar Abohar, District-Ferozepur (Annexure P-1), and all subsequent proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 30.10.2015 (Annexure P-3).

19.01.2016

Anjal

[HARI PAL VERMA]
JUDGE