

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

CRM-M-38212 of 2015
Date of decision: 06.04.2016

Kamal Kishore @ Kebi & 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. Narinder Lucky, Advocate for the petitioners.

Mr. Sultan Singh Gill, DAG, Punjab.

Mr. Ajay Singla, Advocate
for respondents No.2.

HARI PAL VERMA, J.(Oral)

Learned counsel for the petitioners contends that due to some typographical error, instead of Section 324 IPC, Section 224 IPC has been mentioned in the head note and prayer clause of the petition. He prays that Section 224 IPC be substituted with Section 324 IPC.

Ordered accordingly.

Registry is directed to make necessary corrections in the head note as well as in prayer clause.

Prayer in this petition is for quashing of cross proceedings initiated on the statement of respondent No.2 in case FIR No.49, dated 20.03.2010, for the offences punishable under Sections 148, 323, 324 and 427 read with Section 149, IPC, registered

at Police Station, Division No.1, District Jalandhar, and all the

consequential proceedings arising therefrom including charge-sheet dated 30.05.2011 (Annexure P-3) in the case titled as “ State of Punjab Vs. Tarsem Lal and others” bearing registration No.85904/2013 (Annexure P-5), on the basis of compromise dated 26.11.2014(Annexure P-4).

This Court vide order dated 28.01.2016 had directed the parties to appear before the learned trial Court on 08.02.2016 to get their statements recorded with regard to compromise and the learned Court was directed to submit a detailed report qua the genuineness of the compromise along with the copies of the statements of the parties.

Pursuant to the aforesaid order dated 28.01.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 12.02.2016 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, *Rajesh Kumar @ Ladi son of Suha Ram* with regard to validity of the compromise before learned Magistrate on 10.02.2016, reads as under:-

“Stated that the matter has been compromised amicably with the intervention of the receptacles with the complainant. The said compromise is without any threat and coercion. It is further requested to this Hon'ble court that proceedings of the present case may kindly be dropped, the matter being compromised.”

Apart from the statement of the complainant-respondent

No.2-Rajesh Kumar @ Ladi and 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 cross proceedings initiated on the statement of respondent No.2-complainant.

Learned counsel for respondent No.2-complainant admits the factum of compromise arrived at between the parties.

Learned counsel for the State has also not disputed 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 cross proceedings initiated on the statement of respondent No.2 in case FIR No.49, dated 20.03.2010, for the offences punishable under Sections 148, 323, 324 and 427 read with Section 149, IPC, registered at Police Station, Division No.1, District Jalandhar, and all the consequential proceedings arising therefrom including charge-sheet dated 30.05.2011 (Annexure P-3) in the case titled as " State of Punjab Vs. Tarsem Lal and others" bearing registration No.85904/2013 (Annexure P-5), qua the petitioners, are quashed, in view of compromise dated 26.11.2014(Annexure P-4).

06.04.2016
Anjal

[HARI PAL VERMA]
JUDGE