IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38500 of 2015

Date of decision: 16.08.2016

Shingara 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. C.L. Pawar, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Sanjeev K. Virk, Advocate for respondent No.2.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.47 dated 25.05.2015 for offence under Sections 452, 323 and 506 read with Section 34 IPC registered at Police Station Kathgarh, Distt. S.B.S. Nagar (Annexure P-1) an all subsequent proceedings arising therefrom on the basis of compromise dated 08.10.2015 (Annexure P-2).

This Court vide order dated 16.11.2015 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report qua the

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genuineness of the compromise. However, pursuant to the aforesaid order dated 16.11.2015, learned Sub-Divisional Judicial Magistrate, Balachaur has forwarded report dated 11.12.2015 to the effect that the none of the parties appeared before him for getting their statements recorded.

Again, this Court vide orders 01.02.2016 and 01.04.2016 directed the parties to appear before the trial Court to get their statements recorded, however, a report dated 18.04.2016 has been received from learned Sub-Divisional Judicial Magistrate, Balachaur to the effect that none of the parties appeared before him for getting their statements recorded.

When the matter was listed before this Court on 18.05.2016, learned counsel for the petitioners has submitted that parties have got their statements recorded before the Magistrate, however, report dated 18.04.2016 received from the trial Court suggests that none of them appeared for getting their statements recorded. Accordingly, trial Court was directed to forward the report on the basis of statements of the parties so recorded.

Thereafter, report dated 17.05.2016 was received from the learned Sub Divisional Magistrate, Balachaur 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 made by the complainant-respondent No.2, namely, Gurpreet Singh son of Dilawar Singh before the Magistrate on 16.05.2016, reads as under:-

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"I have come present as directd by Hon'ble Punjab and Haryana High Court vide order dated 29.04.2016 which is now fixed for 18.05.2016 in CRM13414-2016 in CRM-M-No.38500-2015 to get my statement recorded in FIR No.47 dated 25.05.2015 of P.S. Kathgarh.

An FIR No.47 dated 25.05.2015 under sections 452/323/34/506 IPC of P.S. Kathgarh, Distt. S.B.S. Nagar was registered on my complaint against Shingara s/o Karam Chand, Pankaj Kumar @ Mani s/o Shingara and Kamaljit @ Billu s/o Karam Chand all R/o Village Railmajra, Tehsil Balachaur, Distt. Shaheed Bhagat Singh Nagar.

With the intervention of respectable of locality and family members, a compromise has been effected between us. A separate compromise deed stands already tendered in Hon'ble High Court. I am making this statement voluntarily without any pressure. I have no objection if the FIR No.47 dated 25.05.2015 be quashed.

Apart from this case no other case is pending between us.

Apart from the statement of the complainant-respondent No.2, 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 appearing for respondents No.2-complainant does 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 FIR No.47 dated

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25.05.2015 for offence under Sections 452, 323 and 506 read with Section 34 IPC registered at Police Station Kathgarh, Distt. S.B.S. Nagar (Annexure P-1) alongwith all consequential proceedings arising therefrom are quashed, qua the petitioners, in view of the compromise dated 08.10.2015 (Annexure P-2).

16.08.2016 **[HARI PAL VERMA]**
Anjal **JUDGE**

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No

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