

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

CRM-M-38645 of 2015
Date of decision: 26.04.2016

Deva Nand & 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. A.S. Manaise, Advocate for the petitioners.

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

Mr. Gagandeep Singh Manku, Advocate for
respondents No.2 to 6.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482, Cr.P.C., is for quashing of FIR No.32, dated 03.06.2015 (Annexure P-1), for the offences punishable under Sections 148, 323, 324, 326, 427 and 452 read with Section 149, IPC, registered at Police Station Behrampur, District Gurdaspur, and all the consequential proceedings arising therefrom on the basis of compromise dated 15.10.2015 (Annexure P-2).

This Court vide order dated 11.02.2016 had directed the parties to appear before the learned Chief Judicial Magistrate, Gurdaspur on 23.02.2016 to get their statements recorded with regard to compromise and the learned Magistrate was directed to

submit its report qua the genuiness of the compromise along with the statements of the parties.

Pursuant to the aforesaid order dated 11.02.2016, the parties have appeared before learned Chief Judicial Magistrate, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 26.02.2016 to the effect that as respondent No.3, namely, Sanjeev Singh son of Dharam Singh has not appeared before the Court, therefore, no finding can be given as to whether the matter has been fully compromised or not.

However, a supplementary report dated 25.04.2016 has been received from learned Chief Judicial Magistrate, Gurdaspur to the effect that respondent No.2, namely, Dharam Singh, who is holding Special Power of Attorney of respondent No.3-Sanjeev Singh son of Dharam Singh, made a statement before the learned Magistrate on 25.04.2016 that the matter has been compromised between the parties. The said statement reads as under:-

“Stated that FIR No.32 dated 03.06.2015, under Section 148, 323, 324, 326, 427 and 452 Indian Penal Code read with Section 149 IPC was registered at Police Station Behrampur, Distt. Gurdaspur (Punjab) against accused persons on complaint of Sanjeev Singh.

I have been appointed as attorney by Sanjeev Singh son of Dharam Singh. I have brought the original power-of-attorney dated 29.03.2016 executed by Sanjeev Singh. I have ben authorized by Sanjeev Singh to make the statement regarding the matter under consideration. I have brought my adhar card and produce the photocopy of the same.

Now with the intervention of respectables the matter has been compromised. Therefore, Sanjeev Singh does not want to pursue the present case. He has no objection, if the present FIR is

quashed by Hon'ble Punjab & Haryana High Court, Chandigarh, on the basis of compromise."

Apart from the above statement, respondents No.2 & 4 to 6 have also suffered similar joint statement before the learned Magistrate on 23.02.2016, whereby they have 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 respondents No. 2 to 6 does not dispute 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 FIR No.32, dated 03.06.2015 (Annexure P-1), for the offences punishable under Sections 148, 323, 324, 326, 427 and 452 read with Section 149, IPC, registered at Police Station Behrampur, District Gurdaspur, and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 15.10.2015 (Annexure P-2).

26.04.2016
Anjal

[HARI PAL VERMA]
JUDGE