

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

**CRM-M-39006 of 2015**  
**Date of decision: 26.04.2016**

**Dharam Singh & 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. Gagandeep Singh Manku, Advocate for the petitioners.

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

Mr. A.S. Manaise, Advocate for respondents No.2 to 4.

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**HARI PAL VERMA, J.(Oral)**

Prayer in this petition filed under Section 482, Cr.P.C., is for quashing of cross-case i.e. DDR No. 20, dated 25.08.2015 (Annexure P-2), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, in case 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-3).

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 genuineness 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 the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

Joint statement made by respondent No.2 to 4 i.e. Sarwan Kumar, Sunny Kumar and Gurdev respectively before the Magistrate on 23.02.2016, reads as under:-

*“Stated that DDR No.20 dated 25.08.2015, under Sections 323 and 324 read with Section 34 IPC Indian Penal Code was registered, in case FIR No.32, dated 03.06.2015 for the offences punishable under Sections 148, 323, 324, 326, 427 and 425 read with Section 149 IPC, registered at Police Station Behrampur, District Gurdaspur (Punjab) against accused persons on our complaint. Now with the intervention of respectables the matter has been compromised. Therefore, we do not want to pursue the present case. We have no objection, if the present FIR is quashed by Hon'ble Punjab and Haryana High Court, Chandigarh, on the basis of compromise. We have suffered this statement voluntarily without any coercion or undue influence.”*

Apart from the joint statement suffered by respondents No. 2 to 4, 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 DDR.

Learned counsel for the State as well as learned counsel for respondents No. 2 to 4 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 cross-case i.e. DDR No. 20, dated 25.08.2015 (Annexure P-2), for the offences punishable under Sections 323 and 324 read with Section 34, IPC, in case 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-3).

**26.04.2016**  
**Anjal**

**[HARI PAL VERMA]**  
**JUDGE**