

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

CRM-M-39428 of 2015

Date of decision: 21.01.2016

Maggar Singh and others

----Petitioner (s)

V/s

State of Haryana & 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. G.S. Duhan, Advocate for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

Mr. Dalbir Singh, Advocate for respondent No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.02, dated 07.01.2013, for the offences punishable under Sections 323, 324, 326, 452, 506 and 34 IPC, registered at Police Station, Guhla, District-Kaithal (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of the compromise/affidavit dated 23.10.2015 (Annexure P-2).

This Court vide order dated 20.11.2015 had directed the parties to appear before the learned trial Court on 16.12.2015 to get their statements recorded with regard to the compromise and the learned trial Court was directed to submit its report along with the statements of the parties about the genuineness of the compromise.

Pursuant to the aforesaid order dated 20.11.2015, the parties have appeared before learned Addl. Sessions Judge, Kaithal and got their statements

recorded. On the basis of the statements so recorded, learned Addl. Sessions Judge has forwarded his report dated 08.01.2016 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.

At this stage, Mr. Dalbir Singh, Advocate has put in appearance on behalf of respondent No.2-complainant and filed Power of Attorney, which is taken on record. He admits the factum of compromise entered between the parties.

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

“Stated that accused are my real paternal cousin brothers and respectables of the village have intervened and got the matter between us compromised and now I have no grudge against the accused persons and I do not want to pursue with the present case. The compromise has been effected without any coercion or pressure on me or my wife in any manner and we being the close relatives and co-villagers want to live peacefully and compromise is in the better interest of both the families for future cordial relations. We have resolved all our disputes. No other criminal case is pending between the parties except the present one.

RO & AC
Sd/- Devinder Singh

Sd/-
(Jasbir Singh)
ASJ, Kaithal, 06.01.2016”

Apart from the statement of the complainant-respondent No.2-Devinder 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 also 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.02, dated 07.01.2013, for the offences punishable under Sections 323, 324, 326, 452, 506 and 34 IPC, registered at Police Station, Guhla, District-Kaithal (Annexure P-1), and all the consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise/affidavit dated 23.10.2015 (Annexure P-2).

21.01.2016
Anjal

[HARI PAL VERMA]
JUDGE