

249.

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

CRM-M-39538-2015

Date of decision:21.12.2016

DARSHAN SINGH & ORS

... Petitioners

versus

STATE OF PUNJAB & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Harpal Singh, Advocate,
for the petitioners.

Mr. P.S. Madahar, AAG, Punjab,
for respondent No.1.

Mr. Ashok Kumar Khunger, Advocate,
for respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of cross version case registered against the petitioners under Sections 323/148/149 IPC vide DDR No.27 dated 04.06.2010 (Annexure P/2) in F.I.R. No.67 dated 04.06.2010 under Sections 452/323/148/149 IPC, registered at Police Station Khuian Sarwar, District Fazilka (Annexure P/1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 11.09.2015 (Annexure P/3).

Learned counsel for the petitioners does not press this petition qua petitioner No.2 on the premise that he has not appeared before the trial Court to get his statement recorded in terms of order dated 15.09.2016 passed by this Court. Accordingly, the petition qua petitioner No.2 stands dismissed as not pressed.

In view of above, present petition survives only qua petitioners No.1, 3, 4 and 5, namely, Darshan Singh, Joginder Singh, Mangal Singh and Kulwant Singh respectively.

This Court vide order dated 15.09.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Abohar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 10.10.2016 to the effect that the parties have entered into compromise with their own free will and without any pressure.

Respondent No.2-complainant, namely, Amarjit Kaur has made her statement with regard to compromise before learned Magistrate on 07.10.2016. The same is reproduced as under:-

“Stated that the present FIR was got registered by me. Now I have effected a compromise voluntarily with the accused. The compromise has been effected between me and accused persons without any undue pressure and with my own free will and wish. The attested copy of compromise is mark-PA and is correct. I have no objection if the present FIR may be quashed.”

Apart from this, similar statements have also been made by respondents No.3 and 4, namely, Rajpal Singh and Rani, whereby they have shown no objection to the FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 to 4 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant case.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and cross version case registered against the petitioners under Sections 323/148/149 IPC vide DDR No.27 dated 04.06.2010 (Annexure P/2) in F.I.R. No.67 dated 04.06.2010 under Sections 452/323/148/149 IPC, registered at Police Station Khuian Sarwar, District Fazilka (Annexure P/1) and all subsequent proceedings arising therefrom are quashed qua petitioners No.1, 3 to 5 on the basis of compromise/affidavit dated 11.09.2015 (Annexure P/3).

(HARI PAL VERMA)
JUDGE

21.12.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.