

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

CRM-M-40724 of 2015

Date of decision: 16.02.2016

Harjit Singh and 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. L.S. Sidhu, Advocate for the petitioners.

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

Mr. J.P.S. Sidhu, Advocate for
Mr. Sukhdev Singh, Advocate for respondents
No.2 to 5.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.11 dated 09.03.2014 under Section 295 IPC, Section 67 of Information Technology Act, 2000 (Annexure P-1) and Challan report dated 26.07.2014 (Annexure P-2), registered at Police Station Boha, District Mansa and all consequential proceedings arising therefrom on the basis of compromise dated 17.11.2015 (Annexure P-3).

This Court vide order dated 02.12.2015 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 alongwith the statements of the parties qua the genuiness of the compromise.

Pursuant to the aforesaid order dated 02.12.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Budhlada and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 30.12.2015 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, Baljeet Singh son of Jarnail Singh before the Magistrate on 18.12.2015, reads as under:-

“Stated that I have got lodged the present FIR no.11 dated 09.03.2014 U/s. 295 IPC and 67 IT Act, PS Boha against the accused persons namely Harjeet Singh, Jaspal Singh, Manpreet Siingh and Iqbal Singh. Now the matter has been compromised with the accused/petitioners with the intervention of the relatives and respectable persons. The compromise is genuine and I have entered into compromise without any pressure and out of my free will. I have no objection if the FIR is quashed.

RO & AC
Sd/- Baljeet Singh

Sd/-
Daljeet Kaur
JMJC/18.12.2015”

Apart from the statement of the complainant-respondent No.2-Baljeet 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 as well as learned counsel appearing for respondents No.2 to 5 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.11 dated 09.03.2014 under Section 295 IPC, Section 67 of Information Technology Act, 2000 (Annexure P-1), registered at Police Station Boha, District Mansa, and all other consequential proceedings arising therefrom including the Challan report dated 26.07.2014 (Annexure P-2), are quashed, qua the petitioners, in view of the compromise dated 17.11.2015 (Annexure P-3).

16.02.2016
Anjal

[HARI PAL VERMA]
JUDGE