

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

CRM-M-40740 of 2015

Date of decision: 18.02.2016

Sarbrinder Singh and others

----Petitioner (s)

V/s

State of Punjab & another

-----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. Thind, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

**Mr. Sarbjit Singh, Advocate for
respondent No.2-complainant.**

HARI PAL VERMA, J.(Oral)

Prayer made in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.190 dated 28.09.2008 under Sections 452, 427, 506, 148, 149 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities)Act, 1989, registered at Police Station, Beas, District Amritsar, on the basis of compromise dated 03.11.2015 (Annexure P-2) & affidavit dated 04.11.2015 (Annexure P-3).

This Court vide order dated 02.12.2015 had directed the

parties to appear before the trial Court on 12.01.2016 or any other date convenient to the Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report alongwith the statements of both the parties qua the genuiness of the compromise and also intimate whether any criminal proceedings are pending against either of the parties or not.

Pursuant to the aforesaid order dated 02.12.2015, the parties have appeared before learned Addl. Sessions Judge, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 15.01.2016 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. It is further reported that accused-Lovepreet Singh alias Lalli son of Jang Bhadur Singh and accused Satnam Singh son of Sucha Singh are proclaimed offenders, whereas Sarbrinder Singh Soni alias Gaurav, Deepu alias Pradeep Kumar, Shamsher Singh, Sarwan Singh and Balraj Singh alias Masad are facing trial.

The statement made by the complainant-respondent No.2, namely, Lakha Singh Azad son of Mangal Singh on 12.01.2016, reads as under:-

“ I got FIR No.190 dated 28.09.2008 registered against the accused, for offence punishable under Sections 452, 427, 506,148 and 149 of IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, at Police Station Beas. Compromise has been effected with the accused, with the intervention of the respectables. Accused have admitted their mistake/fault. I have no grievance against

them. Written compromise deed dated 3.11.2015 has been executed which bears my signatures and is correct. Same is Ex. C.1. I had also sworn affidavit dated 4.11.2015. It also bears my signatures and is correct and is Ex.C.2. Compromise has been effected without any pressure or coercion and is legal and valid. Same is with my free will and consent. I am facing trial in FIR No.92/2011 under Section 454, 427, 436, 148, 149 IPC registered at Police Station Beas and FIR No.115/2011 for offence under Section 452, 427, 354, 148 and 149 IPC registered at Police Station Beas. Except these two cases, no other criminal case is pending against me. I have no objection, if present case registered against Sarbinder Singh and others is quashed on the basis of compromise Ex.C1.

RO & AC

Sd/- Lakha Singh Azad

Sd/-

K.K. Goyal

ASJ, 12.01.2016"

Apart from the statement of the complainant-respondent No.2-Lakha Singh Azad, 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 respondent No.2 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.190 dated 28.09.2008 under Sections 452, 427, 506, 148, 149 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station, Beas, District Amritsar, is quashed, qua the petitioners, in view of the dated 03.11.2015 (Annexure P-2) as well as affidavit dated 04.11.2015 (Annexure P-3).

18.02.2016
Anjal

[HARI PAL VERMA]
JUDGE