

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

CRM-M-40837 of 2015
Date of decision: 23.02.2016

Mangal 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. Dilpreet Singh Gandhi, Advocate
for the petitioners.

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

Mr. Rahul Sidher, Advocate for
respondent No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of cross-version recorded vide Rapat No.27 dated 13.5.2013, under Sections 326, 323, 148, 149 IPC, registered at Police Station Gharinda in FIR No.68 dated 13.5.2013, under Sections 326, 325, 324, 323, 148, 149 IPC, registered at Police Station Gharinda, District Amritsar (Annexure P-1) and all the proceedings subsequent arising therefrom on the basis of compromise dated 21.11.2015 (Annexure P-3).

This Court vide order dated 03.12.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report about the genuineness of the

compromise.

Pursuant to the aforesaid order dated 03.12.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 18.02.2016 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.

The statement made by the complainant-respondent No.2, namely, *Surinder Singh @ Dimple* son of Kulwant Singh before the Magistrate on 18.12.2015, reads as under:-

“That the present FIR no.68 has been registered on the statement of Mangal Singh against me and other accused persons. On the intervention of respectable persons the matter has been compromised with the complainant and on the basis of that compromise the petition for quashing the present FIR has been filed in the Hon'ble Punjab and Haryana High Court. I have made the compromise voluntarily and without any coercion and undue influence.

RO & AC
Sd/- *Surinder Singh*

Sd/-
(*Harsimranjit Kaur*)
JMIC/ ASR/18.12.2015.”

Apart from the above statement, whereby respondent No. 2-complainant has shown no objection to the DDR 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 cross case.

Mr. Rahul Sidher, Advocate has put in appearance on behalf of private respondents No. 2-complainant and filed Power of Attorney, which is taken on record. He admits the factum of compromise effected between the parties.

Learned counsel for the State also does not dispute the factum of compromise effected 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-version recorded vide Rapat No.27 dated 13.5.2013, under Sections 326, 323, 148, 149 IPC, registered at Police Station Gharinda in FIR No.68 dated 13.5.2013, under Sections 326, 325, 324, 323, 148, 149 IPC, registered at Police Station Gharinda, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 21.11.2015 (Annexure P-3).

23.02.2016
Anjal

[HARI PAL VERMA]
JUDGE