

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

CRM-M-40915 of 2015

Date of decision: 09.11.2016

Rajinder Singh @ Raj Singh @ Pappu

----Petitioner (s)

V/s

State of Punjab & others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. R.S. Sekhon, Advocate for the petitioner.

Mr. P.S. Madahar, AAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 150 dated 27.9.2013, under Sections 452, 323, 324, 342, 506, 427, 148, 149 IPC and under Sections 25/27/54/59 of the Arms Act, registered at Police Station Kulgarhi, District Ferozepur (Annexure P-1) and all the proceedings subsequent arising therefrom on the basis of compromise in the form of affidavit of respondent No.2-Harpreet Singh dated 6.6.2014 (Annexure P-3).

This Court vide orders dated 03.12.2015 and 23.02.2016 had directed the parties to appear before Illaqa Magistrate/the trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/the trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid orders, the parties have appeared before learned Judicial Magistrate Ist Class, Ferozepur and got their statements recorded. On the basis of the statements so recorded, learned

Magistrate has forwarded report dated 16.03.2016 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.

Though, today no one is present on behalf of respondent No.2-complainant, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before the Magistrate on 09.03.2016. The statement made by the complainant-respondent No.2, namely, *Harpreet Singh son of Kulwant Singh*, reads as under:-

“Stated that FIR bearing No.150 dated 27.09.2013, under Sections 452, 323, 324, 342, 506, 427, 148 read with Section 149 IPC and 25 and 27 of Arms Act was registered on my statement against accused namely Rajinder Singh alias Raj alias Pappu son of Balbir Singh and others accused namely Angrej Singh son of Gurdit Singh Jagsir Singh son of Virsa Singh, Gurbhej Singh son of Gurdit Singh, Kuldip Singh son of Virsa Singh, all residents of village Mohakamkhanwala, District Ferozepur (Punjab). Now after the intervention of respectables & Panchayat member compromise has been effected between me and only accused Rajinder Singh aforesaid on 06.06.2014. The above said compromise was effected between the parties without any coercion or undue influence of any person. After the execution of compromise no grudge or enmity remain between the parties. In view of the compromise the parties approached the Hon'ble High Court for quashing the present FIR. I have brought the original identity card issued by the Election Commission of India. The photostat copy of the same is mark B. I have no objection if the present FIR be quashed against Rajinder Singh alias Raj alias Pappu accused in view of compromise.”

Apart from the statement of the complainant-respondent No.2-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 State counsel submits that statements of respondents No. 3 to 6 have not been recorded, as they are not the complainant or the injured, rather they are the accused in the case. He further submits that since the present petition has not been filed on behalf of respondent No. 3 to 6 but has been filed on behalf of the petitioner, namely, *Rajinder Singh @ Raj Singh @ Pappu*, the present petition be quashed qua the petitioner.

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. 150 dated 27.9.2013, under Sections 452, 323, 324, 342, 506, 427, 148, 149 IPC and under Sections 25/27/54/59 of the Arms Act, registered at Police Station Kulgarhi, District Ferozepur (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise in the form of affidavit of respondent No.2-Harpreet Singh dated 6.6.2014 (Annexure P-3).

09.11.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No