

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

CRM-M-40923 of 2015
Date of decision: 15.02.2016

Kanwaljit Singh @ Chintu & 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. D.S. Sandhu, Advocate for the petitioners.

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

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.58, dated 22.07.2015, for the offences punishable under Sections 323, 324, 341, 506, 148 and 149 IPC and Sections 325, 326 and 307 IPC were added subsequently, registered at Police Station, Bholath, District-Kapurthala (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of the compromise in the shape of affidavit of respondent No.2/complainant/injured, namely, Baldev Singh son of Swaran Singh dated 29.10.2015 (Annexure P-2).

In the affidavit, the respondent No.2/complainant-Baldev Singh has submitted that due to misunderstanding and revenge, he got recorded the names of the accused persons, whereas they were

not present at the spot. He has also stated that the names of the accused persons were recorded only on the asking of people.

This Court vide order dated 03.12.2015 had directed the parties to appear before the Area Magistrate to get their statements recorded with regard to compromise and the Area Magistrate was asked to submit its report alongwith the statements of the parties qua the genuiness of the compromise.

Pursuant to the aforesaid order dated 03.12.2015, the parties have appeared before the learned Judicial Magistrate Ist Class, Kapurthala, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 12.12.2015 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 suffered by respondent No.2/complainant, namely, Baldev Singh son of Sh. Swaran Singh before the learned Magistrate on 11.12.2015, reads as under:-

“Stated that, I have compromised the matter with the accused persons namely Kanwaljit Singh @ Chintu son of Dalbir Singh, Manpreet Singh @ Manna son of Jaswant Singh, Deep Kumar @ Deepu son of Buta Ram, Satnam Singh son of Balwinder Singh. The separate compromise has been executed between the parties and original of the same has already been placed on the quashing petition pending before Hon'ble Punjab and Haryana High Court. The same bears my signature. I have no objection if the FIR bearing no.58, dated 22.07.2015 U/s 323, 324, 341, 506, 148, 149, 325, 326 and 307 IPC, P.S. Bholath Distt. Kapurthala be quashed, as per the terms and conditions of the compromise already placed on petition pending in Hon'ble High Court. The photocopy of

voter card Ex.PA. I being the complainant has effected the compromise with the accused persons without any pressure, threat or coercion, to keep harmony amongst the parties.

RO & AC
Sd/- Baldev Singh

Sd/-
(Indu Bala)
JMIC/Kpt./11.12.2015"

Learned counsel for the petitioners contends that in the present case, initially, the FIR was registered for commission of offence punishable under Sections 323, 324, 341, 506, 148 and 149 IPC, however, subsequently Sections 325, 326 and 307 IPC were added in the FIR on 10.08.2015. In support of his contention, he further submits that in view of the parameters laid down by Hon'ble the Supreme Court in case *titled as "Narinder Singh and others Vs. State of Punjab and another" 2014 (2) R.C.R. (criminal), 482*, the FIR on the basis of compromise under Section 307, IPC can be quashed provided that injury is not dangerous in nature.

On the other hand, learned counsel for the State submits that since the offence punishable under Section 307 IPC was added later on in the FIR, the same is not liable to be quashed.

Heard.

It is not in dispute that the investigation in the case is at the initial stage and trial is yet not begun with as well as respondent No.2-complainant/injured has made a statement that he has no objection in case the FIR in question is quashed, as the matter has been compromised between the parties.

Apart from the statement of the complainant/respondent No.2-Baldev 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.

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** as well as in view of the judgment passed by Hon'ble the Supreme Court in **Narinder Singh and others Vs. State of Punjab and another, 2014 (2) R.C.R. (criminal), 482**, this petition is allowed and FIR No.58, dated 22.07.2015, for the offences punishable under Sections 323, 324, 341, 506, 148 and 149 IPC and Sections 325, 326 and 307 IPC were added subsequently, registered at Police Station, Bholath, District-Kapurthala (Annexure P-1) and all other consequential proceedings arising therefrom are quashed, qua the petitioners, on the basis of the compromise (Annexure P-2).

15.02.2016
Anjal

[HARI PAL VERMA]
JUDGE