

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

**CRM-1970-2016 in/and
CRM-M-41157 of 2015**

Date of decision: 18.02.2016

Baljinder 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. Vivek Aggarwal, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Pankaj Mehta, Advocate for
respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

CRM-1970-2016

Prayer made in the present application is for correction of the father's name of petitioners No.2 to 4 in the memo of parties.

Learned counsel for the applicant contends that because of typographical error, in the memo of parties, the name of the father of petitioners No. 2 to 4 has been mentioned as "*Baljinder Singh*" instead of "*Parduman Singh*".

For the reasons stated in the application, the same is allowed. Father's name of petitioners No. 2 to 4 be read as "*Parduman Singh*" instead of "*Baljinder Singh*"

The amended memo of parties is taken on record subject to all just exceptions.

CRM-M-41157 of 2015

Prayer made in the present petition filed under Section 482 Cr.P.C, is for quashing of FIR No. 15 dated 6.2.1999 under Sections 452, 323, 324, 148, 149 IPC, registered at Police Station Sahnewal, District Ludhiana and all the proceedings subsequent arising therefrom on the basis of compromise (Annexure P-2)

This Court vide order dated 04.12.2015 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 04.12.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 02.02.2016 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, *Jasminder Singh Sandhu* son of Santokh Singh before

the learned Magistrate on 01.02.2016, reads as under:-

"I had lodged one FIR No.15, dated 06.02.1999 u/s 452, 323, 324, 148 and 149 IPC at PS Sahnewal, Ludhiana against the accused Baljinder Singh, Rajinder Singh, Harjinder Singh and Harinder Singh all residents of village Dharour, Distt. Ludhiana. Now with the intervention of the respectables, the matter has been compromised between us. Now I have no grudge against the accused and I have no objection if the present FIR/case be quashed against the accused. I am giving the present statement out of my own free Will and consent without any pressure, coercion from any side.

RO & AC
Sd/- Jasminder Singh Sandhu

Sd/-
(Insan)
JMIC/LDH
01.02.2016"

Apart from the statement of the complainant-respondent No.2-Jasminder Singh Sandhu, 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.

Mr. Pankaj Mehta, Advocate has put in appearance on behalf of respondents No.2 and 3 and filed Power of Attorney, which is taken on record. He submits that respondent No.2 is the complainant, whereas respondent No.3 is the injured in the case and as per his instructions, he has no objection if the present FIR is quashed, as the matter has been compromised between the parties.

Learned counsel for the State, on instructions from ASI-Gurdev Singh, also submits that he has no objection if the FIR in question is quashed on the basis of compromise. He further submits

that even the police has investigated the matter and submitted a cancellation report, which is still pending before the learned trial Court.

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. 15 dated 6.2.1999 under Sections 452, 323, 324, 148, 149 IPC, registered at Police Station Sahnewal, District Ludhiana and all the proceedings subsequent arising therefrom, are quashed, qua the petitioners, in view of the compromise (Annexure P-2).

18.02.2016

Anjal

**[HARI PAL VERMA]
JUDGE**