

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

CRM-M-41320 of 2015(O&M)

Date of decision: 01.03.2016

**Jagmail Singh Sarpanch
@ Sahiba & 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. Arshdeep Singh Sivia, Advocate
for the petitioners.

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

Mr. Gurinder Singh Nayer, Advocate
for respondents No.2 & 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.42 dated 6.10.2013, under Sections 447, 511, 506, 148, 149 and 336 IPC, and under Sections 25, 27 of the Arms Act, 1959, registered at Police Station Samalsar (Annexure P-1), charge-sheet/order dated 29.1.2015 (Annexure P-2) and all the proceedings subsequent arising therefrom, on the basis of compromise dated 21.11.2015 (Annexure P-3) and affidavit of respondent No.2- complainant dated 21.11.2015 (Annexure P-4)

This Court vide order dated 07.12.2015 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report.

Pursuant to the aforesaid order dated 07.12.2015, the parties have appeared before learned Sub Divisional Judicial Magistrate, Baghapurana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 14.01.2016 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.

Complainant-respondent No.2, namely, Darshan Singh as well as respondent No.3, namely, Mahinder Singh, who is stated to eye-witness in the case, suffered joint statement before the learned Magistrate on 22.12.2015 to the effect that they have compromised the matter with the accused-petitioners.

Apart from the statement of the complainant-respondent No.2-Darshan Singh, as well as respondent No.3/eye-witness-Mahinder Singh, whereby they have 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. Gurinder Singh Nayer, Advocate has put in appearance on behalf of respondents No.2 & 3 and filed Power of Attorney, which is taken on record, He admits the factum of

compromise entered between the parties.

Similarly, 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 FIR No.42 dated 6.10.2013, under Sections 447, 511, 506, 148, 149 and 336 IPC, and under Sections 25, 27 of the Arms Act, 1959, registered at Police Station Samalsar (Annexure P-1), and all other consequential proceedings arising therefrom including the charge-sheet/order dated 29.1.2015 (Annexure P-2), qua the petitioners, are quashed, in view of the compromise dated 21.11.2015 (Annexure P-3) and affidavit of respondent No.2- complainant dated 21.11.2015 (Annexure P-4).

01.03.2016
Anjal

[HARI PAL VERMA]
JUDGE