

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

CRM-M-41407 of 2015
Date of decision: 23.05.2016

Rajinder Singh

----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.J.S. Dadwal, Advocate for the petitioners.

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

Mr.Rajeev Sharma, Advocate for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer made in this petition is for quashing of FIR No.255 dated 10.11.2007, under Sections 323, 324, 148 and 149 IPC (Section 326 IPC added later on), registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur (Annexure P-1) as well as order dated 16.12.2010 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Batala, whereby the petitioner has been declared Proclaimed Offender. Quashing of FIR is being sought on the basis of compromise dated 04.08.2015 (Annexure P-5).

This Court on 15.03.2016, while observing that pursuant to the order dated 21.12.2015 passed by this Court, petitioner has surrendered before the learned trial Court and has been admitted on

bail vide order dated 24.12.2015, directed the parties to appear before the Illaqa Magistrate/trial Court to get their 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 15.03.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Batala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 08.04.2016 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 suffered by respondent No.2-complainant, namely, *Gurpreet Singh son of Nirmal Singh*, with regard to validity of the compromise before learned Magistrate on 05.04.2016, reads as under:-

"Stated that the present case FIR No.255 dated 10.11.2007 under sections 326, 324, 323, 148, 149 IPC registered at Police Station Civil Lines, Batala on my statement being complainant against the accused persons namely Sawinder Singh, Rattan Singh, Rajinder Singh and Rasal Singh. The co-accused of Rajinder Singh have been acquitted by the Court of Smt. Hargurjit Kaur, the then JMJC Batala and during trial accused Rajinder Singh had been declared proclaimed offender. Now, the matter and I have no grudge against the accused person and I have suffered this statement without any coercion, pressure or undue influence and with my own free will. I have no objection if the present FIR be quashed."

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 counsel for the State as well as learned counsel for respondent No.2-complainant does not dispute the factum of compromise entered 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.255 dated 10.11.2007, under Sections 323, 324, 148 and 149 IPC (Section 326 IPC added later on), registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur (Annexure P-1) as well as the order dated 16.12.2010 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, Batala, whereby the petitioner has been declared Proclaimed Offender, are quashed, qua the petitioner, in view of the compromise dated 04.08.2015 (Annexure P-5)

23.05.2016
Anjal

[HARI PAL VERMA]
JUDGE