

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

CRM-M-41622 of 2015

Date of decision: 08.04.2016

Narinder @ Ninda

----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. A.P. Kaushal, Advocate for the petitioner.

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

Mr. Sumeet S. Brar, Advocate for
respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.107 dated 21.04.2015 under Sections 323/341/379-B/506/34 IPC (Annexure P-1), registered at Police Station Division No.5, Civil Lines, Ludhiana and all consequential proceedings arising therefrom on the basis of compromise dated 21.11.2015 (Annexure P-2).

This Court vide order dated 09.12.2015 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 qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 09.12.2015, the parties have appeared before learned Addl. Sessions Judge, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 19.01.2016 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.

The statement made by the complainant-respondent No.2, namely, *Simarpreet Singh* son of Surjit Singh before the Magistrate on 12.12.2015, reads as under:-

“Stated that FIR bearing no.107 dated 21.04.2015 U/s. 323, 341, 379 B, 506, 34 IPC was registered on my statement. The name of Narinder @ Ninda son of Des Raj has been mention in the FIR due to some misunderstanding/confusion. Thereafter, I have compromised the matter with Narinder @ Ninda out of my free will without any inducement, threat and pressure with the intervention of respectable person and I have no grudge against the accused Narinder @ Ninda son of Des Raj present in the Court and I shall have no objection if the FIR is quashed by the Hon'ble High Court against the accused Narinder @ Ninda S/o Sh. Des Raj present in Court. No other criminal complaint except the present FIR has been lodged by me against the accused present in Court. I made the present statement with the my free will and signed the same after admitting correct. I am enclosed photocopy of my identity card in shape of voter card with this statement.”

Apart from the statement of the complainant-respondent No.2-*Simarpreet 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.

Mr. Sumeet S. Brar, Advocate, has put in appearance on behalf of respondent No.2-complainant and filed his Power of Attorney, which is taken on record. He admits the factum of compromise entered into between the parties.

Learned counsel for the State has also not disputed the factum of compromise entered into 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.107 dated 21.04.2015 under Sections 323/341/379-B/506/34 IPC (Annexure P-1), registered at Police Station Division No.5, Civil Lines, Ludhiana and all other consequential proceedings arising therefrom, are quashed, qua the petitioner, in view of the compromise dated 21.11.2015 (Annexure P-2).

08.04.2016
Anjal

[HARI PAL VERMA]
JUDGE