

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

CRM-M-42212 of 2015

Date of decision: 04.02.2016

Gurjant Singh and 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. Sandeep Arora, Advocate for the petitioners.

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

Mr. G.S. Rawat, Advocate for respondent
No.2-complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.69 dated 8.11.2015 under Sections 323 and 324 read with Section 34 IPC registered at Police Station Sekhwan, District Gurdaspur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 14.12.2015 had 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.

Pursuant to the aforesaid order dated 14.12.2015, 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 her report dated 06.01.2016 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 suffered by the complainant-respondent No.2, namely, Gurmukh Singh son of Savinder Singh before the Magistrate on 02.01.2016, reads as under:-

“The the present case FIR No.69 dated 08.11.2015, under Section 323/324/34 IPC, Police Station-Sekhwan, District Gurdaspur, was registered against accused, namely, Gurjant Singh son of Harinder Singh @ Bhola, Sarwan Singh son of Harinder Singh both r/o village Kohar, District Gurdaspur and Jhans @ Amrit Pal Singh son of Darshan Singh r/o Partap Nagar, Qadian, Tehsil Batala, District Gurdaspur, on my statement. Now the matter has been compromised between the parties with the intervention of respectable persons and relatives from both sides. I do not want to proceed against the accused persons, as I do not have any grudge against the petitioners/accused and we want to live in society with peace and harmony and I have no objection if the present case FIR no.69 dated 08.11.2015, is quashed. I have suffered this statement without any pressure or coercion.

RO & AC
Sd/- Gurmukh Singh

Sd/-
Chandna Bhatti, PCS
Judicial Magistrate Ist Class”
Batala-02.01.2016.”

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.69 dated 8.11.2015 under Sections 323 and 324 read with Section 34 IPC registered at Police Station Sekhwan, District Gurdaspur (Annexure P-1) , and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise (Annexure P-2).

04.02.2016
Anjal

[HARI PAL VERMA]
JUDGE