

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

CRM-M-42841 of 2015

Date of decision: 15.03.2016

Gian Chand

----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. Mohit Garg, Advocate for the petitioner.

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

None for respondent No.2/complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.94 dated 5.11.2010 under Sections 279, 337, 338 and 427 IPC registered at Police Station, Mattaur, District SAS Nagar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 20.11.2015 (Annexure P-2).

This Court vide order dated 18.12.2015 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 qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 18.12.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Mohali and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 11.01.2016 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.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Kamal Nain Singh son of Narang Singh, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 11.01.2016. The said statement reads as under:-

“The present FIR was got registered by me against accused. I was the only person who was injured in this case. Now I am effected a compromise with him of my free will without any pressure or coercion from anybody. I do not want to proceed further with the present case and have got no objection if the present FIR is quashed by the Hon'ble High Court.”

Apart from the statement of the complainant-respondent No.2-Kamal Nain 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.

Learned counsel for the State also 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.94 dated 5.11.2010 under Sections 279, 337, 338 and 427 IPC registered at Police Station, Mattaur, District SAS Nagar (Annexure P-1), and all other consequential proceedings arising therefrom, qua the petitioner, are quashed, in view of the compromise dated 20.11.2015 (Annexure P-2).

15.03.2016

Anjal

**[HARI PAL VERMA]
JUDGE**