

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

CRM-M-43180 of 2015

Date of decision: 23.07.2016

Kuldeep Singh and 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. Ishaan Pasricha, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Arjun Atri, Advocate for respondents
No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.125 dated 15.8.2014 under Sections 452, 323, 148, 149, 34 IPC registered at Police Station Kot Isey Khan, District Moga (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 07.12.2015 (Annexure P-2).

This Court vide order dated 21.12.2015 and subsequent order dated 30.05.2016 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 21.12.2015, the parties have appeared before learned Judicial Magistrate Moga and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 28.01.2016 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. However, report further reveals that one of the accused-petitioner No.2, namely, Angrej Singh did not appear before the Court for recording his statement in support of the compromise.

The statement made by the complainant-respondent No.2, namely, *Puran Singh* son of Jeet Singh before the Magistrate on 19.01.2016, reads as under:-

“It is stated that I am the complainant in the present case arising out of FIR No.125 dated 15.08.2014 u/s 452 323/148 /149/34 of IPC P.S. Kot Ise Khan. The matter in dispute has been compromised amicably with the intervention of the respectables of society between me and accused Kuldeep Singh, Angrej Singh and Manjit Singh. I have made compromise with the said accused by my free will and without any threat, pressure or coercion. The compromise will help in restoring good relation and harmony between the parties. I have no objection if petition u/s 482 Cr.P.C. filed by the accused in the Hon'ble Punjab and Haryana High Court is allowed and FIR be quashed.”

Again vide order dated 30.05.2016, another opportunity was granted to petitioner No.2-Angrej Singh to appear before the learned trial Court in terms of the order dated 21.12.2015 of this Court to get his statement recorded.

Pursuant to the order 30.05.2016 passed by this Court, the parties have appeared before learned Addl. Chief Judicial Magistrate Moga and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 11.07.2016 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, Puran Singh son of Jeet Singh before the Magistrate on 04.07.2016, reads as under:-

“Matter has been compromised with accused Angrej Singh at the intervention of respectables. I am left with no grudge against the accused and have no objection if FIR is quashed. I am making statement out of my free Will without pressure from any corner.”

Apart from the statement of the complainant-respondent No.2- *Puran Singh*, similar statement of respondent No.3-Ravinder Singh (eye witness) has also been recorded 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.Arjun Atri, Advocate has put in appearance on behalf of respondents No.2 and 3 and filed Power of Attorney in Court today which is taken on record. He admits the factum of compromise entered between the parties.

Learned counsel for the State has also not disputed 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.125 dated 15.8.2014 under Sections 452, 323, 148, 149, 34 IPC registered at Police Station Kot Isey Khan, District Moga (Annexure P-1) and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 07.12.2015 (Annexure P-2).

23.07.2016
Anjal

[HARI PAL VERMA]
JUDGE