

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

CRM-M-43548 of 2015
Date of decision: 03.03.2016

Gurdev Singh and another

----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. Rishav Jain, Advocate for the petitioners.

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

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.9 dated 10.2.2015, under Sections 452, 323 and 506 read with Section 34 IPC, registered at Police Station Bhadaur, District Barnala (Annexure P-1) and all the proceedings subsequent arising therefrom on the basis of compromise dated 04.12.2015 (Annexure P-2).

This Court vide order dated 22.12.2015 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court is directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 22.12.2015, the

parties have appeared before learned Judicial Magistrate Ist Class, Barnala, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 12.02.2016 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 joint statement suffered by the complainant-respondent No.2, namely, *Joginder Singh* son of Kartar Singh, as well as Jasmail Kaur wife of Joginder Singh, before the Magistrate on 06.02.2016, reads as under:-

“Stated that we had got registered case FIR no.9 dated 10.02.2015 at PS Bhadaur against accused Gurdev Singh and Sukhminder Singh, residents of Alkada. That the village Panchayat had effected a compromise between the complainant i.e. us and accused party, which was further reduced into writing on 04.12.2015 as Ex. CX. The said compromise was entered into by our own free will and without any fear or coercion. The matter has been resolved amicably vide above-said compromise deed. We hereby abide by the terms and conditions of the said compromise. We further declare that we do not want to pursue with the prosecution of the above-said case. We have no objection if the said FIR and its proceedings are quashed.”

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

Though, today no one is present on behalf of Joginder

Singh-respondent No.2/complainant, but no prejudice would be caused to him, as he has already suffered a joint statement along with his wife with regard to validity of the compromise before learned Magistrate.

Learned counsel for the State does not dispute the factum of compromise effected 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.9 dated 10.2.2015, under Sections 452, 323 and 506 read with Section 34 IPC, registered at Police Station Bhadaur, District Barnala (Annexure P-1), and all other consequential proceedings arising therefrom, qua the petitioners. are quashed in view of the compromise dated 04.12.2015 (Annexure P-2).

03.03.2016
Anjal

[HARI PAL VERMA]
JUDGE