

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

CRM-M-43712 of 2015

Date of decision: 15.03.2016

Gurlabh Singh @ Baba and another

----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. P.B.S. Goraya, Advocate for the petitioners.

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

None for respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.60 dated 24.6.2015 under Sections 326, 325, 324, 323, 365, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 (deleted later on) registered at Police Station Chohla Sahib, District Tarn Taran (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 16.09.2015 (Annexure P-2).

This Court vide order dated 24.12.2015 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 24.12.2015, the parties have appeared before learned Judicial Magistrate Ist Class, Tarn Taran and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 06.02.2016 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.

Though, today no one is present on behalf of complainant-respondent No.2 i.e. Nasib Singh and respondent No.3 i.e. Nishan Singh, but no prejudice would be caused to them, as they have already suffered separate statements with regard to validity of the compromise before learned Magistrate on 22.01.2016. The statement of complainant-respondent No.2-Nasib Singh reads as under:-

“Stated that I have compromised the matter with accused Gurlabh Singh alias Baba son of Gurdev Singh and Surinder Singh alias Sonu son of Gurmeet Singh alias Meeta, both residents of village Lohar, Tehsil Khadoor Sahib, District Tarn Taran. The said compromise has been reduced into writing. The copy of the same is Mark-A. Original of the said compromise has been attached with the petition filed under Section 482 Cr.P.C. before Honourable Punjab and Haryana High Court. I have entered into compromise with the above said accused persons without any influence, coercion and pressure of any person and with my own sweet will. I have no objection if the FIR in the present case lodged against the above said accused persons is quashed. I and above said accused persons will live peacefully in future.”

Similar statement was also suffered by respondent No.3-Nishan Singh before the learned Magistrate.

Apart from the statement of the complainant-respondent No.2-*Nasib Singh* and respondent No.3-*Nishan Singh*, whereby they have 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.60 dated 24.6.2015 under Sections 326, 325, 324, 323, 365, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 (deleted later on) registered at Police Station Chohla Sahib, District Tarn Taran (Annexure P-1), and all other consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 16.09.2015 (Annexure P-2).

15.03.2016
Anjal

[HARI PAL VERMA]
JUDGE