

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

CRM-M-43960 of 2015

Date of decision: 15.03.2016

Dilbagh 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. Ravi Malhotra, Advocate for the petitioners.

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.92 dated 10.6.2013 under Sections 323, 324, 506, 447, 511, 148 and 149 IPC, registered at Police Station Maqsudan, District Jalandhar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 18.12.2015(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, Jalandhar 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.

Though, today no one is present on behalf of respondent No.1/complainant, namely, Harpal Singh son of Rajinder 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 27.01.2016. The said statement reads as under:-

“Stated that on the basis of my statement present FIR having no.92 datd 10.06.2013 u/s. 323, 324, 506, 447, 511, 148, 149 IPC, PS Maqsudan, against accused Dilbagh Singh, Davinder Singh, Jaswinder Singh, Sukhwinder Singh, Kulwant Singh, Raghubir Singh, Rajwinder Singh, Lovepreet Singh, Bhajan Singh, Mandip Singh and Shingara Singh (now deceased). However, accused Shingara Singh had died on 29.09.2013 and copy of his death certificate is Ex.P12. Now I have entered into compromise with the intervention of the respectable of the area with the accused, copy of compromise is Ex.C1, which has been effected without any pressure or coercion. The same bears my signatures. As such, the aforesaid FIR may be quashed against the aforesaid accused persons. I have not declared as Proclaimed Offender in any of the case and no other criminal case is pending against me or either of party. The compromise effected between the parties will not affect any adverse effect on the rights of third party. The copy of my identity card is Ex.P1.”

Apart from the statement of the complainant-respondent No.2-Harpal 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.92 dated 10.6.2013 under Sections 323, 324, 506, 447, 511, 148 and 149 IPC, registered at Police Station Maqsudan, District Jalandhar (Annexure P-1), and all other consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 18.12.2015 (Annexure P-2).

15.03.2016
Anjal

[HARI PAL VERMA]
JUDGE