

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

CRM-M-44018 of 2015

Date of decision: 15.03.2016

Mukhtiyar 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. G.S. Nahel, 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.83 dated 14.6.2015 under Sections 341, 379, 323, 506, 148 and 149 IPC, registered at Police Station Moonak, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise (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 Sub Divisional Judicial Magistrate, Moonak and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 11.02.2016 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.2/complainant, namely, Balbir Singh son of Kehar 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 03.02.2016. The said statement reads as under:-

“Stated that I have effected compromise with accused persons namely Mukhtiar Singh S/o Ajmer Singh, R/o Ward No.1 Moonak, Tehsil Moonak, Distt. Sangrur, Suresh Kumar S/o Ajmer Singh, R/o Ward No.10, Moonak, Tehsil Moonak, Distt. Sangrur, Ram Gir S/o Baldev Gir, R/o Village Bhutal Khurad, Tehsil Moonak, Distt. Sangrur, Bharpur Singh @ Bhura Munshi S/o Isher Singh R/o Village Bhathuan, Tehsil Moonak, Distt. Sangrur, Gurcharan Singh @ Channi S/o Sucha singh, R/o Ward No.10, Moonak, Tehsil Moonak, Distt. Sangrur, Ram Singh @ Kala S/o Diwan Singh R/o Village Hamirgarh, Tehsil Moonak, Distt. Sangrur, Binder S/o Surjit Singh, R/o Village Bhathuan, Tehsil Moonak, Distt. Sangrur, Jagtar S/o Sadha Singh R/o Village Bhathuan, Tehsil Moonak, Distt. Sangrur, in the present case bearing FIR No.83 of 14.6.2015 under Section 341, 323, 379, 506, 148 and 149 IPC, P.S. Moonak with the intervention of respectable persons. This compromise has been effected out of my free will without any inducement, threat, promise or coercion from any corner. The same has affected in order to end bitterness and to restore cordial relation between us. We shall remain bound by this compromise. We have filed the quashing petition before the Hon'ble Punjab and Haryana High Court in

which written compromise has already been placed on record. I undertake to abide by the compromise.”

Apart from the statement of the complainant-respondent No.2-Balbir 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.83 dated 14.6.2015 under Sections 341, 379, 323, 506, 148 and 149 IPC, registered at Police Station Moonak, District Sangrur (Annexure P-1), and all other consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise (Annexure P-2).

15.03.2016
Anjal

[HARI PAL VERMA]
JUDGE