

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

CRM-M-5072 of 2016
Date of decision: 28.05.2016

Suresh Kumar and others

-----Petitioner (s)

V/s

State of Punjab and 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.Tajinder Pal Singh Makkar, Advocate
for the petitioners.

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

Mr.Saurabh Singla, Advocate for
Mr.Dilpreet Singh Gandhi, Advocate
for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.140 dated 01.09.2014 under Sections 323/452/506/148/149 IPC registered at Police Station City Malout, Distt. Sri Muktsar Sahib (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 29.01.2016 (Annexure P-2).

This Court vide order dated 05.04.2016 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 05.04.2016, the parties have appeared before learned Addl. Civil Judge-(Senior Division)-cum-SDJM, Malout, and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 02.05.2016 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 respondent No.2/complainant, namely Gopal Kumar @ Gopi son of Ramesh Kumar with regard to validity of the compromise before learned Magistrate on 26.04.2016, reads as under:-

“It is submitted that present FIR has been registered on the basis of my application against accused Suresh Kumar s/o Ved Parkash @ Babby, Satti s/o Radhe Krishan both r/o Guru Ravi Dass Nagar, Ward No.14, Street Vijay M.C. Malout, Distt. Sri Muktsar Sahib, Gagandeep Singh @ Gaggu s/o Jaspal Singh r/o Near Kalgidar, Senior Secondary School Malout, Bittu Lal @ Kalu s/o Heera Lal r/o Back side Angoori Mata Mandir, Patel Nagar, Malout, Hassan Khan s/o Jadu Khan r/o ward no.21, Near Cremation Ground Malout, Distt. Sri Muktsar Sahib today present in the court. Now, with the intervention of the respectable, I have arrived into compromise with accused. The matter have been amicably decided between us. I do not want to proceed against the accused. The compromise is voluntarily without any pressure, coercion and with my free will. I have left no grudge against accused. I have no objection if the present FIR is quashed and accused are acquitted.”

Apart from the above statement made by complainant/respondent No.2, 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 as well as learned counsel appearing for respondents No.2-complainant does not dispute the factum of compromise arrived at 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.140 dated 01.09.2014 under Sections 323/452/506/148/149 IPC registered at Police Station City Malout, Distt. Sri Muktsar Sahib (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 29.01.2016 (Annexure P-2).

28.05.2016

Anjal

**[HARI PAL VERMA]
JUDGE**