

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

CRM-M-5166 of 2016

Date of decision: 07.04.2016

Lakhwinder Khan and another **----Petitioner (s)**
V/s

State of Punjab and 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:- Ms. Ravneet Kaur Mangat, Advocate for
the petitioners.

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

Mr. Jaspal Singh Bassi, Advocate for
respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of DDR No.34 dated 27.5.2012 under Sections 324, 323 and 506 IPC (Annexure P-2) recorded as a cross-case in FIR No.49 dated 27.05.2012 under Sections 341, 323 and 506 read with Section 34 IPC registered at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 16.10.2015 (Annexure P-3).

This Court vide order dated 12.02.2016 had directed the parties to appear before the trial Court to get their statements

recorded with regard to compromise and the trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 12.02.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Fatehgargh Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 23.03.2016 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.

Statement suffered by complainant-respondent No.2, namely, *Bhajan Khan son of late Shri Faqiryia Khan*, before the Magistrate on 18.03.2016, reads as under:-

“With the intervention of respectable persons of both sides I have compromised the matter with the accused with my own free will and volition and the compromise dated 16.10.2015 is signed by me without any pressure and copy of the same is Annexure P-3. I have seen my signatures on the same and I identify my signatures on the same and the same is correct. I have no objection if DDR No.34 dated 27.05.2012(arising out of cross-case FIR No.49 dated 27.05.2012 U/s 341/323/506/34 IPC) (arising out of cross-case DDR No.34 dated 27.05.2015 U/s. 323/324/506 of IPC) under Section 323/324/506 of the IPC with the PS Bassi Pathana is quashed”.

Similarly, joint statement made by respondent No.3- *injured-Mast Khan son of son of late Shri Faqiryia Khan*, Sabina Begum daughter of Bhajan Khan and Razina Begum daughter of Mast Khan, before the Magistrate on 18.03.2016, reads as under:-

“With the intervention of respectable persons of both sides we have compromised the matter with the accused with our own free will and volition and the compromise dated 16.10.2015 copy of the same is Annexure P-3. We have no objection if DDR No.34 dated 27.05.2012

(arising out of cross-case FIR No.49 dated 27.05.2012 U/s 341/323/506/34 IPC) under Section 323/324/506 of the IPC with the PS Bassi Pathana is quashed”.

Learned counsel for the petitioners contends that so far as respondent No.4-Shah Niwaz is concerned, he is merely a witness and, therefore, his statement was not required.

Apart from the above statements of respondent No. 2-complainant as well as respondent No.3-injured, 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 DDR.

Mr. Jaspal Singh Bassi, Advocate, has put in appearance on behalf of respondents No.2 to 4 and filed his Power of Attorney in Court today, which is taken on record. He admits the factum of compromise entered into between the parties.

Learned counsel for the State has also not disputed 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 DDR No.34 dated 27.5.2012 under Sections 324, 323 and 506 IPC (Annexure P-2) recorded as a cross-case in FIR No.49 dated 27.05.2012 under Sections 341, 323 and 506 read with Section 34 IPC registered at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1), and all other consequential proceedings arising

therefrom, qua the petitioners, are quashed, in view of the compromise dated 16.10.2015 (Annexure P-3).

07.04.2016

Anjal

**[HARI PAL VERMA]
JUDGE**