

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

CRM-M-5310 of 2016

Date of decision: 07.04.2016

Arun and another

----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. Daljeet Singh Kahlon, Advocate for
the petitioners.

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

Ms. Mandeep Kaur Kahlon, Advocate for
respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.27 dated 14.5.2013, under Sections 323, 452, 506, 148 and 149 IPC, registered at Police Station 'D' Division, Amritsar City (Annexure P- 1) and all the proceedings subsequent arising thereto on the basis of compromise dated 05.02.2016 (Annexure P-2).

This Court vide order dated 15.02.2016 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 15.02.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 10.03.2016 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.

The statement suffered by complainant-respondent No.2, namely, *Ramesh Kumar Bajaj son of Om Parkash Bajaj*, before the Magistrate on 04.03.2016, reads as under:-

"It is stated that the matter has been compromised with the accused party amicably i.e. Arun and Aditya @ Makhan and there is no grudge against the accused party and I have no objection if present FIR No.27 dated 14.5.2013, under Section 323, 452, 325, 506, 34 IPC, Police Station 'D' Division, Amritsar be quashed and accused be acquitted. I am giving the statement without any force, coercion and pressure."

Apart from the statement of the complainant-respondent No.2-*Ramesh Kumar Bajaj*, 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 respondent No.2 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.27 dated 14.5.2013, under Sections 323, 452, 506, 148 and 149 IPC, registered at Police Station 'D' Division, Amritsar City (Annexure P- 1), and all other consequential proceedings arising therefrom, qua the petitioners, are quashed, in view of the compromise dated 05.02.2016 (Annexure P-2).

07.04.2016

Anjal

**[HARI PAL VERMA]
JUDGE**