

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

CRM-M-5484 of 2016

Date of decision: 07.04.2016

Bhajan Khan and others

----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:- Mr. Jaspal Singh Bassi, Advocate for
the petitioners.

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

Ms. Ravneet Kaur Mangat, Advocate for
respondents No.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.49 dated 27.5.2012 under Sections 341, 323, 506 and 34 IPC registered at Police Station Bassi Pathana, District Fatehgarh Sahib (Annexure P-1) and consequential proceedings arising therefrom on the basis of compromise dated 16.10.2015 (Annexure P-3).

This Court vide order dated 18.02.2016 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 18.02.2016, 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.

The statement suffered by complainant-respondent No.2, namely, *Noharia Khan son of Fakir Mohd*, 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 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) with the PS Bassi Pathana is quashed”.

Similar statement was also made by respondent No.3-injured, namely, *Lakhwinder Khan son of Noharia Khan*, before the Magistrate on 18.03.2016, which 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 and copy of the same is Annexure P-3. I have seen my signatures on the same is correct. I have no objection if 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) with the PS Bassi Pathana is quashed”.

Apart from the statement of the respondents No.2 and 3, whereby they have 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.

Ms. Ravneet Kaur Mangat, Advocate, has put in appearance on behalf of respondents No.2 and 3 and filed her Power of Attorney in Court today, which is taken on record. She 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 FIR No.49 dated 27.5.2012 under Sections 341, 323, 506 and 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