

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-7602 of 2015 (O&M)

Date of Decision: 23.02.2016

Nirmal Singh & others

...Petitioner(s)

Versus

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. H.S. Mann, Advocate
for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Manpreet Singh, Advocate
for respondents no.2 and 3.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C.
is for quashing of FIR No.168 dated 25.8.2014 under Sections
342/506 of the Indian Penal Code, 1860 (IPC) as well as Section
3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 and Section 34 IPC added later on vide DDR
No.26 dated 25.8.2014 registered at Police Station, City Jhabhal,
District Tarn Taran (Annexures P-1 and P-2) and consequential

proceedings arising therefrom on the basis of compromise dated 30.10.2014 (Annexure P-4).

This Court vide order dated 28.4.2015 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to submit its report regarding the compromise so effected.

Learned counsel for the petitioners contends that pursuant to aforesaid order dated 28.4.2015, the parties have appeared before learned Additional Chief Judicial Magistrate, Tarn Taran and got their statements recorded.

The statement of Charanjeet Kaur, complainant-respondent no.2 reads as under:-

“Stated that I am complainant of above said case and present FIR no.168 dated 25.8.2014 under Section 342, 506 IPC of 1860, later added Section 3/4 SC/ST Act (Prevention of Atrocities) Act and Section 34 IPC vide DDR no.26 dated 25.8.2014 registered at Police Station City Jhabhal, Distt. Tarn Taran was got registered by me against Nirmal Singh son of Bachan Singh, Navdeep Singh @ Lovdeep Singh son of Sarvan Singh and Navpreet Singh @ Lovpreet Singh son of Sarvan Singh, all residents of Village Bagiari, Tehsil and District Tarn Taran. Now with the intervention of Panchayat and respectable of village, the matter has been compromised between us and accused. I have effected this compromise voluntarily, without any pressure. Now I do not want to peruse with the present case and I have no objection if the present FIR against accused be

quashed. Today I have brought my ration card showing my identity and its notarized copy is Ex.C1.

RO & AC

RTI

(Charanjeet Kaur)

Sd/-

(A.S. Barda)

ACJM, Tarn Taran. 25.5.2015"

Learned counsel for the petitioners submits that since petitioner no.2 Navdeep Singh @ Lovdeep Singh is working in Australia, his statement could not be recorded before learned Illaqa Magistrate, however, now, he is in India and he has furnished his affidavit dated 23.2.2016 in support of the compromise in question. The affidavit dated 23.2.2016 is taken on record.

Learned counsel for the complainant-respondent no.2 also admits the factum of compromise between the parties and has 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.

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.168 dated 25.8.2014 under Sections 342/506

IPC as well as Section 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 34 IPC added later on vide DDR No.26 dated 25.8.2014 registered at Police Station, City Jhabhal, District Tarn Taran (Annexures P-1 and P-2) and consequential proceedings arising therefrom are quashed, *qua* the petitioners, in view of compromise dated 30.10.2014 (Annexure P-4).

February 23, 2016
AK

(HARI PAL VERMA)
JUDGE