

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

CRM-M-6972 of 2016
Date of decision: 04.05.2016

Narinder Singh @ Tandia and another

----Petitioner (s)

V/s

State of Punjab & 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:- Ms. Harmeet Kaur Sidhu, Advocate for the petitioners.

Mr. P.S. Madahar, AAG, Punjab.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.68 dated 10.5.2015 under Sections 458, 323, 148 and 149 IPC (Section 201 IPC added later on) registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 04.02.2016 (Annexure P-2).

This Court vide order dated 26.02.2016 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 26.02.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Dhuri and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 31.03.2016 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.

Though, today no one is present on behalf of respondent No.2/complainant, namely, *Bhim Singh*, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 15.03.2016.

The said statement reads as under:-

"I had got registered F.I.R. No.68 dated 10.05.2015 under Sections 458, 323, 148, 149 of IPC at Police Station Sadar, Dhuri, against accused Narinder Singh @ Tandia son of Major Singh, Harjit Kaur wife of Major Singh, both residents of Bagrian Road, near Gurudwara Attarsar Sahib, village Bardwal and Karamjit Singh son of Dharam Singh, resident of village Ruldusingh Wala, Tehsil Dhuri and 2-3 unidentified persons. During investigation, offence under Sections 148, 149 were deleted and offence under sections 201 and 34 of IPC were enhanced and challan was presented under sections 458, 323, 201, 34 of IPC against accused Narinder Singh and Harjit Kaur whereas accused Karamjit Singh was declared innocent and kept in column no.2. I have entered into compromise with accused above mentioned with the intervention of respectables and the original compromise dated 04.02.20016 is attached with the petition filed before the Hon'ble Punjab and Haryana High Court, photocopy of the same is Ex.CX upon which I identify my signatures. I entered into compromise with the accused Narinder Singh and Harjit Kaur with my own free will and without any pressure or coercion. In this case, no accused is proclaimed offender. I have no objection if on the basis of above

said compromise, instant FIR lodged by me against the accused, is quashed.

Apart from the statement of the complainant/respondent No.2-Bhim Singh, 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 does not dispute the factum of compromise entered into 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.68 dated 10.5.2015 under Sections 458, 323, 148 and 149 IPC (Section 201 IPC added later on) registered at Police Station Sadar Dhuri, District Sangrur (Annexure P-1) and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise deed dated 04.02.2016 (Annexure P-2).

04.05.2016
Anjal

[HARI PAL VERMA]
JUDGE