

257.

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

CRM-M-7021-2016

Date of decision:01.09.2016

Naib Singh and others

... Petitioners

versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Jagpal Singh, Advocate,
for the petitioners.

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

None 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 F.I.R. No.83 dated 23.12.2013 under Sections 326, 324, 323, 148, 149 of IPC registered at Police Station Rureke Kalan, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.12.2013 (Annexure P-2).

This Court vide order dated 27.02.2016 had directed the parties to appear before the Illaqa Magistrate/trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise, however, parties could not appear. Again vide order dated 09.05.2016, parties were directed to appear before learned Illaqa Magistrate/trial Court to get their statements recorded.

Pursuant to the aforesaid order dated 09.05.2016, the parties have appeared before learned Civil Judge (Senior Division), Barnala and got

their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted the report dated 13.07.2016 to the effect that the compromise effected between parties is genuine, voluntary and without any coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Mewa Singh, but no prejudice would be caused to him as he has already made his statement with regard to the compromise before learned Magistrate on 16.06.2016. The same is being reproduced as under:-

“Stated that on 23.12.2013 I along with Kala Singh son of Chhota Singh resident of Pakho Kalan have registered a case FIR no.83 dated 23.12.2013, under Section 326, 324, 323, 148, 149 IPC, PS Rureke Kalan against Manga Singh son of Naib Singh, Naib Singh son of Gora Singh, Nanak Singh son of Jeet Singh, Lucky Singh son of Balbir Singh and Nona Singh son of Nachattar Singh all residents of Pakho Kalan. Now, with the intervention of respectables person of our village Pakho Kalan compromise has been effected between us and said accused persons. The copy of compromise which is Ex.PX and the contents of the same have been read over to me which are true and correct. The said compromise has been effected between me and all accused with my free will and consent and without any coercion or duress. The proceedings against Nona Singh accused was already quashed by the Hon'ble Punjab & Haryana High Court. I have no objection if the present FIR be quashed. The said compromise bears my thumb impressions.”

Apart from this, a similar statement has been made by Kala Singh-respondent No.3 whereby he has shown no objection to the FIR being quashed.

Learned State counsel has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052** and approved by the Hon'ble Supreme Court in **Gian Singh Versus State of Punjab and others (2012) 10 SCC 303**, this petition is allowed and F.I.R. No.83 dated 23.12.2013 under Sections 326, 324, 323, 148, 149 of IPC registered at Police Station Rureke Kalan, District Barnala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 24.12.2013 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

01.09.2016
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.