

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

CRM-M-8194 of 2015
Date of decision: 06.05.2016

Jugraj Singh and others

----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:- Mr. Gurinderjit Singh, Advocate for the petitioners.

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. Amandeep Singh Saini, Advocate for
respondent No.2/complainant.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.35 dated 01.02.2015 for offence punishable under Section 295-A/34 IPC, registered at Police Station, Sohana, Tehsil and District S.A.S. Nagar, Punjab (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise/affidavit of respondent No.2/complainant dated 04.02.2015 (Annexure P-2).

This Court vide orders dated 30.04.2015 and 07.08.2015 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and the trial Court/Illaq Magistrate was directed to

submit its report qua the genuiness of the compromise.

Pursuant to the aforesaid orders, the parties have appeared before learned Judicial Magistrate Ist Class, Mohali and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 29.05.2015 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 made by the complainant-respondent No.2, namely, *Piara Singh son of Santa Singh* before the Magistrate on 25.05.2015, reads as under:-

"I got registered FIR No.35 dated 1.2.2015 under Section 295 A/34 IPC at PS Sohana against the accused Jugraj Singh, Satnam Singh and Rupinder Singh @ Rupa. This FIR was got registered by me as per the information received from the residence. I had not seen the accused for committing the crime. Now I have verified from the residents and my friends that the accused have not committed the said crime nor there is any role of the accused in the crime. I do not want to take any action against the accused as they have not committed any crime. I have already reached to a compromise with the accused and given my affidavit dated 4.2.2015. I have no objection if the above said FIR against the accused is quashed."

Apart from the statement of the complainant-respondent No.2-*Piara 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 as well as learned counsel

appearing for respondents No.2-complainant 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.35 dated 01.02.2015 for offence punishable under Section 295-A/34 IPC, registered at Police Station, Sohana, Tehsil and District S.A.S. Nagar, Punjab (Annexure P-1), and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise/affidavit of respondent No.2/complainant dated 04.02.2015 (Annexure P-2).

06.05.2016

Anjal

**[HARI PAL VERMA]
JUDGE**