

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

CRM-M-7206 of 2016
Date of decision: 04.05.2016

Aman Sharma @ Amandeep Sharma & others ----Petitioner (s)

V/s

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. G.S. Sirphikhi, Advocate for the petitioners.

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

None for respondents No.2 to 4.

HARI PAL VERMA, J.(Oral)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.06 dated 11.01.2016 under Sections 452/323/148/149 IPC registered at Police Station City Batala, Police District Batala, Gurdaspur (Annexure P-1) and consequential proceedings arising therefrom on the basis of compromise/affidavit of the complainant dated 25.01.2016 (Annexure P-2).

This Court vide order dated 29.02.2016 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 29.02.2016, the parties have appeared before learned Sub Divisional Judicial Magistrate, Batala 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 respondents No.2 to 4, but no prejudice would be caused to them, as they have already suffered statements with regard to validity of the compromise before learned Magistrate on 22.03.2016. The statement of respondent No.2/complainant, namely, Raj Kumar, reads as under:-

"I have entered into compromise with Aman Sharma @ Amandeep Sharma, Sumit Sharma, Pawan Kumar, Ravi Sharma, Sonu Sharma, accused persons(petitioners). The compromise has been entered into by me, out of my own free will and consent, voluntarily without any pressure, with the intervention of respectable persons. Now, I have no grudge against the accused persons (petitioners). I have no objection, if the present FIR No.06 dated 11.01.2016, under section-452/323/148/149 IPC Police Station-City Batala and subsequent proceedings are quashed against above mentioned accused persons(petitioners).

Apart from the statement above statement suffered by respondent No.2/complainant, similar statements were made by respondents No.3 and 4, 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.

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.06 dated 11.01.2016 under Sections 452/323/148/149 IPC registered at Police Station City Batala, Police District Batala, Gurdaspur (Annexure P-1) and all other consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise/affidavit of the complainant dated 25.01.2016 (Annexure P-2).

04.05.2016
Anjal

[HARI PAL VERMA]
JUDGE