

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

CRM-M-7406 of 2016

Date of decision: 10.05.2016

Gursewak Singh

----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. Janak Singh Bhinder, Advocate for the petitioner.

Mr. R.S. Nain, AAG, Punjab.

None for respondents No. 2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.55 dated 18.06.2015 under Sections 304-A, 279 and 427 IPC registered at Police Station Lehra, District Sangrur (Annexure P-1) on the basis of compromise dated 10.02.2016 (Annexure P-2).

This Court vide order dated 01.03.2016 had directed the parties to appear before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 01.03.2016, the parties have appeared before learned Sub Divisional Judicial Magistrate, Moonak and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 04.04.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and same is genuine.

Though, today no one is present on behalf of respondents No.2 and 3, but no prejudice would be caused to them, as they have already suffered a statement with regard to validity of the compromise before learned Magistrate on 28.03.2016. The statement suffered by complainant/respondent No.2-Harwinder Singh, reads as under:-

“Stated that I am the complainant in the case FIR No.55 dated 18.06.2015 under Sections 304-A, 279, 427 IPC PS Lehra which was registered against Gursewak Singh son of Bhola Singh resident of village Kotra Lehal Tehsil Distt. Sangrur. Now with the intervention of the respectables of the society we have entered into a compromise with the accused. The compromise is without any inducement, threat, coercion or undue influence of any kind and is an outcome of my free will. The compromise has been affected in order to restore cordial relations amongst us. The written compromise has already been placed before the Hon'ble Punjab and Haryana High Court in the quashing petition filed by the accused. I do not have any objection if the quashing petition filed by the accused is accepted and the FIR against the accused is quashed.”

Apart from the above statement of complainant-respondent No.2-Harwinder Singh, similar statement of respondent

no.3, who is stated to be an eye-witness in the case, was also recorded, 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.55 dated 18.06.2015 under Sections 304-A, 279 and 427 IPC registered at Police Station Lehra, District Sangrur (Annexure P-1), is quashed, qua the petitioner, in view of the compromise dated 10.02.2016 (Annexure P-2).

10.05.2016
Anjal

[HARI PAL VERMA]
JUDGE