

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

CRM-M-8863 of 2016
Date of decision: 27.05.2016

Mandip Singh @ Mintoo and others
V/s

----Petitioner (s)

State of Punjab and 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:- None for the petitioners.

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

Mr.Neeraj Madan, Advocate for
Mr.Gurmit Saini, Advocate for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.317 dated 06.10.2013 under Sections 323/452/341/427/506 IPC registered at Police Station "A" Division, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise in the shape of affidavit dated 25.02.2016 (Annexure P-2).

This Court vide order dated 14.03.2016 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 genuiness of the compromise.

Pursuant to the aforesaid order dated 14.03.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Amritsar, and

got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded his report dated 05.04.2016 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.

Statement made by complainant-respondent No.2, namely, Jagir Singh son of Hazara Singh, before the Magistrate on 29.03.2016, reads as under:-

“An FIR bearing No.317 dated 06.10.2013 under Section 323, 452, 341, 427, 506 IPC was registered at Police Station A-Division, District Amritsar at my instance against accused Mandeep Singh, Harpreet Singh, Ravi son of Sukhwinder, Ravi son of Palwinder and Malkit Singh. The FIR has been registered against aforementioned five accused only. The matter has been compromised between us voluntarily without any threat, coercion or undue influence. I do not want to proceed with the present case against the accused. I have no objection if the quashing petition filed before the Hon'ble High Court by the accused is allowed. As per my information the accused were never declared as proclaimed offender.”

Apart from the above statement made by complainant/respondent No.2, 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 for respondent No.2-complainant does not dispute the factum of compromise arrived at 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.317 dated 06.10.2013 under Sections 323/452/341/427/506 IPC registered at Police Station "A" Division, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, compromise in the shape of affidavit dated 25.02.2016 (Annexure P-2).

27.05.2016
Anjal

[HARI PAL VERMA]
JUDGE