

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

CRM-M-8986 of 2016
Date of decision: 08.12.2016

Lehmbar Singh @ Jagamal Singh and others -----Petitioner (s)

V/s

State of Punjab and another -----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.M.K. Bhatnagar, Advocate for the petitioners.

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

Mr.S.K. Bawa, Advocate for
complainant-respondent No. 2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.146 dated 24.05.2013 under Sections 324, 323, 452, 448, 511, 148, 149 and 356 IPC (Section 326 added later on), registered at Police Station Phillaur, Distt. Jalandhar(Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 06.02.2016 (Annexure P-2).

Vide order dated 15.03.2016, this Court had directed the parties to appear before Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise/settlement on 08.04.2016 and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

In compliance to the above order, report dated 17.05.2016 was received from the learned Sub Divisional Judicial Magistrate, Phillaur to the effect that none of the parties has appeared before the Court on 08.04.2016

for getting the statement recorded.

Again orders dated 18.05.2016 and 19.08.2016, this Court had directed the parties to appear before Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise/settlement and the Illaqa Magistrate/trial Court was directed to record the statements of parties in terms of the order dated 15.03.2016 passed by this Court.

Pursuant to the aforesaid orders, the parties have appeared before learned Sub Divisional Judicial Magistrate Phillaur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 07.12.2016 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. Report further reveals that during the pendency of the present petition, accused-petitioner No.1 Lehmbhar Singh alias Jagamal Singh son of Parkash Singh has expired on 29.05.2016.

The statement made by complainant-respondent No.2-*Sunita Rani wife of Raj Kumar* before the learned Magistrate on 09.09.2016, reads as under:-

“Stated that I have compromised the matter with all the accused Dalbir Singh alias Ghugi, Pushpinder Kaur, and Anu Sahota without any pressure, or coercion. Accused Lehmbhar Singh alias Jagmal Singh has already expired. I do not want to proceed further with the present case against all the accused. I have resolved all my dispute with the above said accused and I have no objection if all the accused are acquitted or discharged. I have brought my Aadhar card and photocopy of the same is Mark A as my identity proof.”

Apart from the statement made by complainant-respondent No.2, whereby she 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 State counsel as well as learned counsel for complainant-respondent No.2 do not dispute the factum of compromise entered 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.146 dated 24.05.2013 under Sections 324, 323, 452, 448, 511, 148, 149 and 356 IPC (Section 326 added later on), registered at Police Station Phillaur, Distt. Jalandhar(Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua petitioner Nos. 2 to 4, in view of the compromise dated 06.02.2016 (Annexure P-2).

08.12.2016

Anjal

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned?

Yes

Whether reportable?

Yes/No