

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

CRM-M-9179 of 2016(O&M)

Date of decision: 28.05.2016

Mandeep Singh

-----Petitioner (s)

V/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:- Mr.Munish Raj Chaudhary, Advocate
for the petitioners.

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

Mr.Tajinder Pal Singh Makkar, Advocate for
Mr.G.S. Nahel, Advocate
for respondent No.2.

HARI PAL VERMA, J.(Oral)

CRM-17385-2016

This is an application for placing on record the affidavit of Bhaskar Bhatnotra son of deceased-Om Parkash. As per his affidavit, an FIR bearing No.94 dated 26.08.2011 under Sections 279, 304-A IPC, was registered at Police Station Mataur, District Mohali, Punjab against Mandeep Singh son of Shri Jaspal Singh, resident of Village Moom, Tehsil and District Barnala, Punjab and a compromise has been arrived at between Geeta Bhatnotra (who is the sister of Bhaskar Bhatnotra) and said Mandeep Singh (present petitioner). It has further been stated in the affidavit that

Bhaskar Bhatnotra has no objection in case the FIR in question is quashed.

Accordingly, application is allowed as prayed for and affidavit of Bhaskar Bhatnotra son of deceased-Om Parkash, is taken on record, subject to all just exceptions.

CRM-M-9179 of 2016

Prayer in this petition is for quashing of FIR No.94 dated 26.08.2011 under Sections 304-A and 279 IPC registered at Police Station Matour, Distt. S.A.S. Nagar (Mohali) (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise as well as affidavit of respondent No.2 dated 18.02.2016 (Annexures P-2 and P-3 respectively).

This Court vide order dated 15.03.2016 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 genuineness of the compromise.

Pursuant to the aforesaid order dated 15.03.2016, 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 11.04.2016 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.

The statement made by respondent No.2/complainant, namely Geeta Bhatnotra with regard to validity of the compromise before learned Magistrate on 08.04.2016, reads as under:-

“Stated that on my statement the present case was registered

at Police Station Mataur against the accused. However, with the intervention of the respectable persons matter has been compromised between us without any force, fraud, undue influence. The compromise and the affidavit of the complainant to this effect is Ex.PA and Ex.PB. The said compromise is voluntarily, without any force, fraud, fear and pressure of anyone. The FIR may kindly be quashed.”

Apart from the above 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 for the State as well as learned counsel appearing for respondents 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.94 dated 26.08.2011 under Sections 304-A and 279 IPC registered at Police Station Matour, Distt. S.A.S. Nagar (Mohali) (Annexure P-1) and all consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise as well as affidavit of respondent No.2 dated 18.02.2016 (Annexures P-2 and P-3 respectively).

28.05.2016
Anjal

[HARI PAL VERMA]
JUDGE