

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

CRM-M-9658 of 2016
Date of decision: 27.05.2016

Jagir Singh and others

-----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.Neeraj Madan, Advocate for
Mr.Gurmit Saini, Advocate for the petitioner.

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

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of cross case i.e. DDR No.22 dated 02.12.2013 recorded in 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 21.03.2016 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 21.03.2016, 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.

Though, today no one is present on behalf of complainant-respondent No.2, namely, Mandeep Singh @ Minto son of Amarjit Singh, but no prejudice would be caused to him, as he has already suffered a statement with regard to validity of the compromise before learned Magistrate on 29.03.2016. The said statement reads as under:-

“A DDR no.22 dated 02.12.2013 in FIR bearing No.317 dated 06.10.2013 (FIR No.317 under Section 323, 452, 341, 427, 506 IPC) was registered at Police Station A-Division, District Amritsar at my instance against accused Jagir Singh, Bikramjit Singh, Manpreet Singh, Sunny and Sawinder Singh. The DDR 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 DDR.

Learned counsel for the State 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 cross case i.e. DDR No.22 dated 02.12.2013 recorded in 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, in view of the compromise in the shape of affidavit dated 25.02.2016 (Annexure P-2).

27.05.2016
Anjal

[HARI PAL VERMA]
JUDGE