

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

CRM-M-9861 of 2016
Date of decision: 26.05.2016

Hardev Singh @ Dev Singh and others
V/s

-----Petitioner (s)

State of Punjab and 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.Vivek Goel, Advocate for the petitioners.

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

Mr.Nitin Rampal, Advocate for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition is for quashing of FIR No.24 dated 26.02.2016 under Sections 323/324/427/452/148/149 IPC and Section 25 and 27 of the Arms Act, 1954, registered at Police Station City South Moga, Distt. Moga(Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 01.03.2016 (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 Chief Judicial Magistrate Moga, and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded her report dated 26.04.2016 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, Surinder Pal son of late Shri Sohan Singh, before the Magistrate on 12.04.2016, reads as under:-

“FIR No.24 dated 26.02.2016, under Sections 323, 324, 427, 452, 148, 149 of the Indian Penal Code and under Section 25/27 of the Arms Act was registered against the accused at my instance. We have compromised the matter with the accused persons. The compromise between us has been effected with the intervention of respectable and we have compromised the matter without any pressure and with my own sweet will. I have no objection if the said FIR is quashed. No other case is pending between us in any court. In this case neither any accused has been declared proclaimed offender nor any proceedings under Section 82/83 Cr.P.C. are pending against any accused. Except this no other case is pending between the parties.”

Apart from the above statement made by complainant/respondent No.2, respondent No.3, namely, Gagandeep @ Gaggi has also made similar statement 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.

At this stage, Mr. Nitin Rampal, Advocate has put in appearance on behalf of respondent No.2 and filed of Power of Attorney in

Court which is taken on record. He does not dispute the factum of compromise entered into between the parties.

Learned counsel for the State has also not disputed 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.24 dated 26.02.2016 under Sections 323/324/427/452/148/149 IPC and Section 25 and 27 of the Arms Act, 1954, registered at Police Station City South Moga, Distt. Moga(Annexure P-1) and all the consequential proceedings arising therefrom, are quashed, qua the petitioners, in view of the compromise dated 01.03.2016 (Annexure P-2).

26.05.2016
Anjal

[HARI PAL VERMA]
JUDGE