
Date of Decision:12.10.2017

Vs.

State of Punjab and othersRespondents

Present:- Mr. Bhavesh Aggarwal, Advocate for
Mr. Ashish Aggarwal, Advocate for the
petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. D.S. Gandhi, Advocate for respondents
No.2 and 3.

* * * *

Hari Pal Verma, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.279 dated 14.12.2014 under Sections 452, 324, 323, 148 and 149 IPC (Section 326 IPC added later on) registered at Police Station Gharinda, District Amritsar Rural and all subsequent proceedings arising therefrom on the basis of compromise dated 07.04.2017 (Annexure P-2).

This Court vide order dated 26.04.2017 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise, however, parties could not appear. Again vide order dated 03.08.2017, another opportunity was provided to the parties and were directed to appear before the Id. Magistrate on 23.08.2017 to get their statements recorded qua the genuineness of compromise.

Pursuant to the aforesaid order, 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 submitted report dated 29.08.2017 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

Respondents No.2 -complainant, namely, Dhawinder Singh has made his statement with regard to compromise before learned Magistrate on 23.08.2017. Respondent No.3- injured has made the similar statement. The statement of respondent No.2 is reproduced as under:-

“That I Dhawinder Singh aged 37 years s/o Sh. Kashmir Singh r/o Purani Mandi Wala Passa, Village Attari, Amritsar had registered FIR No.279 dated 14.12.2014 u/s 452/324/323/326/148/149 of IPC P.S. Gharinda, Amritsar against the accused namely Sikander Singh, Bakshish Singh, Jaswant Singh, Sukhdev Singh, Jagroop Singh, Lakhbir Singh, Pooja @ Manjit Kaur. Now we have entered into compromise with the intervention of respectable persons with above said accused. The compromise is genuine one. The compromise has been effected without any undue influence and pressure or coercion. I identified the accused present in the Court.”

Apart from above, a similar statement has been made by

respondent No.3 – Hira Singh before the Magistrate on 23.08.2017, whereby he has shown no objection to the FIR being quashed. There is nothing on record to doubt about the genuineness of compromise effected between the parties.

Learned State counsel as well as learned counsel for respondents No.2 and 3 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052* and approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and F.I.R. No.279 dated 14.12.2014 under Sections 452, 324, 323, 148 and 149 IPC (Section 326 IPC added later on) registered at Police Station Gharinda, District Amritsar Rural and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 07.04.2017 (Annexure P-2).

October 12, 2017
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(HARI PAL VERMA)
JUDGE

Whether Speaking/reasoned?	Yes/No
Whether Reportable?	Yes/No