

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

CRM-M-14178 of 2017.
Decided on:-24.07.2017.

Satnam Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Gursimran Singh Bawa, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Harjot Singh Mann, 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 FIR No.320 dated 06.10.2013 under Sections 323, 324, 326, 148 and 149 IPC registered at Police Station Civil Lines, Amritsar, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise deed dated 18.04.2017 (Annexure P-2).

This Court vide order dated April 28, 2017 had directed the parties to appear before the Area Magistrate to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Chief Judicial Magistrate, Amritsar and got their statements

recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 20.07.2017 to the effect that the petitioners-accused (except accused Malkeet Singh) as well as complainant Ranjit Singh and injured Sharanjit Singh have come present in the Court and stated that the entire matter has been settled with the petitioners and they have no objection if the case/FIR in question be quashed. Learned Magistrate has further reported that as one of the petitioner, namely, Malkeet Singh has not turned up in order to get recorded his statement, therefore, he is unable to reach at the conclusion regarding genuineness/ingenuousness of the settlement.

The factum of compromise between the parties has not been disputed by learned State counsel as well as learned counsel for respondents No.2 and 3.

I have heard learned counsel for the parties.

Perusal of the report submitted by learned Magistrate reveals that a joint statement of respondent No.2-complainant Ranjit Singh and injured Sharanjit Singh has been recorded by learned Magistrate on 20.05.2017. Said joint statement made by respondent No.2-complainant Ranjit Singh, who is author of the FIR in question, along with injured Sharanjit Singh, made before learned Magistrate is being reproduced as under:

“Stated that I Ranjit Singh being the complainant have got registered FIR No.320 of 6.10.2013 under Section 323, 324,

326, 148, 149 of Indian Penal Code, Police Station, Civil Lines Amritsar against accused Satnam Singh, Nishan Singh @ Sonu @ Dana, Pankaj Kumar @ Panku, Malkeet Singh and Jagdeep Singh @ Joga. Now, with the intervention respectable I as well as the injured have arrived at the compromise with the accused out of our free will and willful consent and there is no pressure or coercion upon us. Sharanjit Singh has received injuries from the hands of the above said accused persons. We i.e. complainant Ranjit Singh as well as injured Sharanjit Singh have no objection if FIR No.320 of 6.10.2013 under Section 323, 324, 326, 148, 149 of Indian Penal Code, Police Station, Civil Lines is quashed. The compromise has been effected voluntarily without any pressure or coercion and threat.”

Thus, when the complainant and injured have made a joint statement before learned Magistrate in support of the compromise effected between the parties, the genuineness of compromise cannot be doubted merely because one of the petitioners-accused, namely, Malkeet Singh did not appear before learned Magistrate to get his statement recorded.

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 FIR No.320 dated 06.10.2013 under Sections 323, 324, 326, 148 and 149 IPC registered at Police Station Civil

Lines, Amritsar, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise deed dated 18.04.2017 (Annexure P-2).

July 24, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No