

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-14492 of 2017

Date of Decision: 22.11.2017

Nisan Singh & another

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Mr. Parminder Singh, Advocate for
Mr. C.L. Pawar, Advocate
for the petitioners.

Mr. APS Jaurkian, AAG, Punjab.

Mr. S.K. Virk, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.137 dated 04.12.2016 under Sections 323/324/326/34 IPC (Sections 326/34 IPC added later on) registered at Police Station Nawanshahar on the basis of compromise.

This Court vide order 07.09.2017 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Learned counsel for the petitioners states that pursuant to the order dated 7.9.2017 of this Court, the parties have appeared before learned Judicial Magistrate Ist Class, SBS Nagar and got their statements recorded.

Learned Magistrate has forwarded his report dated 15.11.2017 to the effect that the aforesaid statements have been recorded by the parties voluntarily and the compromise has been arrived at without any pressure or undue influence from either side and the compromise is genuine and valid.

The statement of Karampal Kaur mother of complainant-respondent no.2 namely Tajinder Singh @ Tajinder Kumar (minor), has also been attached with the report, wherein she has stated that the compromise entered into between them is genuine and she has no objection to the FIR being quashed. Her statement reads as under:-

“I am mother of the complainant namely Tejinder Singh alias Tejinder Kumar. FIR No.137 dated 04.12.2016 under section 323/324/326/34 IPC, PS Sadar Nawanshahr was registered on the statement of my son against Nishan Singh son of Mohan Singh r/o village Jadla, District SBS Nagar and Jaswinder Singh alias Jassi son of Amar Singh r/o Village Bhan Majara, District SBS Nagar. My son is aged about 17 years. That, now, with the intervention of respectables, the matter has been compromised between us and aforesaid accused on vide compromise deed dated 15.04.2017. The photo copy of the aforesaid compromise is Mark A, which bears signature of my son as well as signatures of the accused and respectables of the village. We have entered into compromise with the accused with out own free will, volition and without any fear, pressure, threat or coercion. We have no objection if the FIR is quashed.”

Learned State counsel as well as learned counsel for respondent no.2 have not disputed the factum of the compromise between the parties.

There is nothing on record to doubt the genuineness of the compromise, so arrived at between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

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.137 dated 04.12.2016 under Sections 323/324/326/34 IPC (Sections 326/34 IPC added later on) registered at Police Station Nawanshahar and subsequent proceedings arising therefrom are quashed *qua* the petitioners, in view of compromise so arrived between the parties.

November 22, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No