

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

CRM-M-16548-2017(O&M)

Date of decision:02.11.2017

Gursewak Singh and others

... Petitioners

Versus

State of Punjab & another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. M.S. Saini, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,

Mr. C.S. Jattana, Advocate for
Mr. Ritesh Pandey, 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. 123 dated 02.08.2014, under Sections 324/506/34 IPC registered at Police Station Kurali, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 29.08.2017 had directed the parties to appear before the Area Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared

before learned Judicial Magistrate Ist Class, Kharar and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.09.2017 to the effect that the compromise arrived between the parties is genuine, voluntary, with free will and without any coercion, undue influence or pressure of any kind.

Respondent No.2-complainant, namely, Satwinder Singh has made his statement with regard to compromise before learned Magistrate on 22.09.2017. The same is reproduced as under:-

“Stated that one FIR No. 123 dated 02.08.2014 under Sections 324, 506, 34 of the Indian Penal Code, P.S. Kurali was lodged by me against accused persons namely Gursewak Singh, Sukhdev Singh @ Happy, Sukhjinder Kaur and Ravinder Singh. Now, with the intervention of the respectables, I have voluntarily entered into compromise with the above said accused persons out of my free will and without any pressure or undue influence, coercion, inducement, threat or promise from any side. On the basis of compromise, the accused have filed a quashing petition bearing No. CRM No. M-16548 of 2017 titled as Gursewak Singh & Others Vs. State of Punjab and Satwinder Singh, in which the Hon'ble High Court has directed both the parties to come present before the Trial Court for recording their statements with regard to compromise. In compliance of the order of the Hon'ble High Court I have come present for recording my statement. There is no other case between either of the parties. I have no objection if the above said FIR is quashed by the Hon'ble Punjab and Haryana High Court against the accused. The photocopy of my Aadhaar Card is Mark-A.”

Learned State counsel as well as learned counsel for respondent No.2 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

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. 123 dated 02.08.2014, under Sections 324/506/34 IPC registered at Police Station Kurali, District SAS Nagar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.11.2017
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Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No