

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239

CRM-M-16709 of 2017

Date of Decision:08.11.2017

Nahar Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Ms. Sandeep Kaur Randhawa, Advocate for
Mr. Ranjit Singh Sidhu, Advocate,
for the petitioners.

Mr. M.S.Nagra, A.A.G., Punjab.

Ms. Navneet Kaur, Advocate for
Mr. Gopal Singh Nahel, Advocate,
for respondent Nos.2 to 5.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.99 dated 05.08.2016 under Sections 341, 323, 148, 149 IPC, registered at Police Station Chhajli, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 06.12.2016 (Annexure P-3).

This Court vide order dated 15.05.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise. However, statement of respondent No.4- Mohinder Kaur could not be recorded as she failed to appear before the

learned Magistrate for recording her statement. Again vide order dated 04.09.2017, one more opportunity was granted to respondent No.4 to get her statement recorded, in terms of the order dated 15.05.2017 passed by this Court and learned Magistrate was directed to forward supplementary report to this Court.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate 1st Class, Sunam and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.10.2017 to the effect that the parties have compromised the matter with the intervention of the respectables and the compromise has been effected between the parties with their free volition, without any inducement, threat, promise, coercion or undue influence from any quarter.

Respondent No.2-Complainant, namely, Harbans Singh, injured-respondent Nos.3 and 5 have made joint statement with regard to compromise before learned Magistrate on 30.05.2017. The same is reproduced as under:-

“Stated that we have compromised the matter in the present FIR with the accused namely Darshan Singh son of Mohinder Singh, Jagpreet Singh son of Gagandeep Singh, Jeewan Singh son of Dev Singh, Nahar Singh son of Mohinder Singh, Gagandeep Singh son of Mohinder Singh, Sarabjit Singh son of Nahar Singh, Rajvir Singh son of Dev Singh and Babbu Singh son of Dev Singh, all residents of village Chatha Nanhera, Tehsil Sunam, District Sangrur in FIR No.99 dated 05.08.2016, under Sections 341, 323, 148, 149 IPC, Police Station Chhajli and in petition bearing

CRM-M No.1838 of 2017 seeking quashing of DDR No.34 dated 09.01.2017 under Sections 341/323/325/308/148/149 IPC in connected with the above said FIR. The compromise arrived at between the both the parties is genuine, voluntarily, without any coercion and undue influence and pressure. We have no objection if the present DDR No.34 dated 09.01.2017 and FIR No.99 dated 05.08.2016 be quashed against the accused. We have produced the original compromise dated 06.12.2016 also and the same is signed by both the parties with free consent and without any pressure, which is Ex.CX”.

Similarly, statement of injured-respondent No.4 Mohinder Kaur, who was afforded one more opportunity to get her statement recorded, has also been recorded on 25.09.2017, which reads as under:-

“Stated that I have compromised the matter in the present FIR with the accused namely Nahar Singh son of Mohinder Singh, Darshan Singh son of Mohinder Singh, Jagpreet Singh son of Gagandeep Singh, Jeewan Singh son of Dev Singh, Gagandeep Singh son of Mohinder Singh, Sarabjit Singh son of Nahar Singh, Rajbir Singh son of Dev Singh and Babu Singh son of Dev Singh, all residents of village Chatha Nanhera, District Sangrur in FIR No.99 dated 05.08.2016 under Sections 341/323/148/149 IPC, Police Station Chhajli. The compromise arrived at between the both the parties is genuine, voluntarily, without any coercion and undue influence and pressure. I have no objection if the present FIR No.99 dated 05.08.2016 under Sections 341/323/148/149 IPC, Police Station Chhajli be quashed against the accused persons.”

Learned State counsel as well as learned counsel for respondent Nos.2 to 5 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 FIR.

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.99 dated 05.08.2016 under Sections 341, 323, 148, 149 IPC, registered at Police Station Chhajli, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 06.12.2016 (Annexure P-3).

November 08, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No