

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

**CRM-M-18585-2017
Date of decision-31.07.2017**

Dilbagh Singh and others

...Petitioners

Vs.

State of Punjab and another

...Respondents

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

Present: Mr. H.S.Batth, Advocate for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. J.S.Dhaliwal, Advocate for respondent No.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.75 dated 18.08.2010 registered under Sections 324, 323 and 326 read with Section 34 of Indian Penal Code (in short 'IPC') at Police Station, Sarhali, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

This Court vide order dated 23.05.2017 had directed the parties to appear before the Illaqa 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, Tarn Taran and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 03.07.2017 to the effect that the compromise effected between the parties is genuine, voluntary, without any threat or coercion.

Respondent No.2-complainant, namely, Gurpreet Singh has made his statement with regard to compromise before learned Magistrate on 02.06.2017. The same is reproduced as under:-

“Stated that I got registered one FIR bearing No.75 dated 18.08.2010 under Section 323/324/326/34 IPC pertaining to police station Sarhali, District Tarn Taran. Now, I have settled compromise with accused persons namely, Dilbagh Singh, S/o Pargat Singh, Jarmanjit Singh S/o Satpal Singh, Harpreet Singh S/o Iqbal Singh, Sakattar Singh S/o Bakshish Singh all residents of Village-Thathian Mahantan, Police Station-Sarhali, District Tarn Taran with the intervention of the respectable from the locality. I have also resolved all the disputes with the accused persons. I have compromised the matter with the accused persons without any pressure, coercion or undue influence. I do not have any objection if the present FIR is quashed by Hon'ble Punjab & Haryana High Court, Chandigarh, on the basis of compromise arrived between me and accused persons. That no any accused in present case is declared proclaimed offender. This compromise has been done by me voluntarily, without any coercion and undue influence.

RO& AC

Sd/-

Sd/-

(Sucheta Ashish Dev)

(Gurpreet Singh)

JMIC / 02.06.2017”

Learned State counsel as well learned counsel appearing on

behalf of 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 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.75 dated 18.08.2010 registered under Sections 324, 323 and 326 read with Section 34 of IPC at Police Station, Sarhali, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-3).

(HARI PAL VERMA)
JUDGE

July 31, 2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No