

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

**CRM-M-18616-2017
Date of decision-31.07.2017**

**Sony Singh @ Sukhwinder Singh and others ...Petitioners
Vs.**

State of Punjab and others ...Respondents

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

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

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Ramandeep Singh, Advocate for respondent Nos.4 and 5.

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.88 dated 10.05.2017 registered under Sections 323, 365, 342, 379 and 148 read with Section 149 of Indian Penal Code (in short 'IPC') at Police Station, Machhiwara (Annexure P-1/T) and all subsequent proceedings arising therefrom on the basis of compromise dated 11.05.2017 (Annexure P-2).

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, Samrala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 18.07.2017 to the effect that the compromise effected

between the parties is genuine, voluntary, without any threat or coercion.

Respondent No.4-complainant, namely, Fateh Singh has made his statement with regard to compromise before learned Magistrate on 02.06.2017. The same is reproduced as under:-

“Stated that the case bearing FIR No.88 dated 10.05.2017 under Section 323/365/342/379/148/149 of IPC, PS Machhiwara Sahib was lodged by me against accused Sony Singh @ Sukhwinder Singh resident of Partap Singh Wala, District Ludhiana, Sucha Singh son of Darshan Singh, Resham Singh son of Darshan Singh, Niranjana Singh son of Darshan Singh, Kinder Singh @ Palwinder Singh son of Resham Singh, Deep Singh @ Gurdeep Singh son of Niranjana Singh and Simran Kaur wife of Darshan Singh residents of Fatehgarh Bet, Machhiwara, Tehsil Samrala, District Ludhiana. Now with the intervention of the respectables, I have voluntarily entered into compromise with above said accused persons out of my free will and without any pressure, undue influence, coercion, inducement, threat or promise from any side. I have no objection if the above said FIR may be quashed by Hon'ble Punjab and Haryana High Court against accused Sony Singh @ Sukhwinder Singh resident of Partap Singh Wala, District Ludhiana, Sucha Singh son of Darshan Singh, Resham Singh son of Darshan Singh, Niranjana Singh son of Darshan Singh, Kinder Singh @ Palwinder Singh son of Resham Singh, Deep Singh @ Gurdeep Singh son of Niranjana Singh and Simran Kaur wife of Darshan Singh residents of Fatehgarh Bet, Machhiwara, Tehsil Samrala, District Ludhiana. The photocopy of my Voter ID Card is mark A.

RO& AC
Sd/-
(Fateh Singh)

Sd/-
(Prabha Prashar)
JMIC / 02.06.2017"

Apart from above, similar statement was made by respondent No.5-Chanan Kaur, whereby she has shown no objection to the FIR being quashed. There is nothing on record to doubt about the genuineness of the compromise arrived at between the parties.

Learned State counsel as well learned counsel appearing on behalf of respondent Nos.4 and 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.88 dated 10.05.2017 registered under Sections 323, 365, 342, 379 and 148 read with Section 149 of IPC at Police Station, Machhiwara (Annexure P-1/T) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 11.05.2017 (Annexure P-2).

July 31, 2017
vanita

(HARI PAL VERMA)
JUDGE

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