

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

(1) CRM-M-19088 of 2017.
Decided on:-26.10.2017.

Gurpreet @ Gopi and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

(2) CRM-M-19151 of 2017.

Prabhjot Singh and others

.....Petitioners.

Versus

State of Punjab and another

.....Respondents.

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

Present:- Mr. Liaqat Ali, Advocate
for the petitioners in CRM-M-19088 of 2017.

Ms. Sajida Akhtar, Advocate
for the petitioners in CRM-M-19151 of 2017.

Mr. Bhupender Beniwal, AAG, Punjab.

HARI PAL VERMA, J.(ORAL)

This order shall dispose of the aforementioned two petitions filed under Section 482 Cr.P.C. as the same have arisen out of a common F.I.R. No.0035 dated 02.03.2017 under Sections 365, 323, 148 and 149 IPC registered at Police Station Shahkot, District Jalandhar Rural.

The petition bearing No.*CRM-M-19088 of 2017* has been filed for quashing of the aforesaid FIR and all consequential proceedings arising therefrom on the basis of compromise dated 07.04.2017 effected between the parties.

Similarly, the other petition bearing No.*CRM-M-19151 of 2017* has been filed for quashing of the cross-version recorded vide DDR No.40 dated 09.03.2017 under Sections 323, 341, 308, 506, 148 and 149 IPC at Police Station Shahkot in the aforementioned F.I.R.

However, for convenience and clarity, the detailed order is being passed in the petition bearing No.*CRM-M-19088 of 2017*.

This Court vide order dated May 25, 2017 had directed the parties to appear before the Area Magistrate upto 02.06.2017 and the Court was directed to send its report qua the genuineness of the compromise. However, the parties could not appear before learned Area Magistrate upto 02.06.2017 and vide order dated June 14, 2017, one more opportunity was granted to them to appear before learned Area Magistrate till 10.07.2017 and to get their statements recorded in support of the compromise pursuant to the order dated May 25, 2017 passed by this Court.

Pursuant to the aforesaid order, the parties have appeared before learned Judicial Magistrate 1st Class, Nakodar and have got their statements recorded. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 17.07.2017 to the effect that the compromise has been arrived at by the parties with free will, without any pressure or coercion.

The factum of compromise between the parties has not been disputed by learned State counsel.

The statement of respondent No.2, namely, Prabhjot Singh, who is author of the FIR in question, recorded before learned Magistrate on 04.07.2017 is being reproduced as under:

“Stated that above said FIR was registered on the basis of my statement against Gurpreet @ Gopi, Inderjit Singh, Simranjit Singh, Harmesh @ Mesha, Avtar Singh @ Tari and Sukhjit Singh @ Sabha. I have received injuries in this incident. Now I have entered into compromise with the petitioners without any duress, coercion or any other pressure, to maintain the peace and harmony in the locality. This compromise has been arrived at with the intervention of respectables. I have no objection, if the said FIR is quashed. There is no other case pending between me and accused.”

Similarly, in the connected petition i.e. **CRM-M-19151 of 2017**, the statement of respondent No.2 Harmesh @ Mesha, who is author of the DDR in question, recorded by learned Magistrate on 04.07.2017, reads as under:

“Stated that above said FIR was registered on the basis of my statement against Prabhjot Singh, Maninder Singh, Lakhwinder Singh, Gurdev Singh, Pargat Singh, Paramjit Kaur and Jatinder Kaur. I have received injuries in this incident. Now I have entered into compromise with the petitioners without any duress, coercion or any other pressure, to maintain the peace and harmony in the locality. This compromise has been arrived at with the intervention of respectables. I have no objection, if the said FIR is quashed. There is no other case pending between me and accused.”

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. as well as the cross-version.

Thus, 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*, both these petitions are allowed.

Consequently, the F.I.R. No.0035 dated 02.03.2017 under Sections 365, 323, 148 and 149 IPC registered at Police Station Shahkot, District Jalandhar Rural (Annexure P-1) and all subsequent proceedings arising therefrom including cross-version recorded in the aforesaid FIR at Police Station Shahkot vide DDR No.40 dated 09.03.2017 under Sections 323, 341, 308, 506, 148 and 149 IPC are quashed on the basis of compromise dated 07.04.2017 (Annexure P-2).

Photocopy of this order be also placed on the file of other connected case.

October 26, 2017

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No