

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

CRM-M-20002-2017 (O&M)

Date of decision: 03.10.2017

Rakku @ Rakesh Kumar & ors.

.... Petitioners

versus

State of Punjab and anr.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Achin Gupta, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Sukhmeet Singh, 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.320 dated 31.12.2016 under Sections 341, 323, 308, 336, 148, 149, 427 IPC registered at Police Station City Faridkot, District Faridkot (Annexure P-1) on the basis of compromise dated 24.04.2017.

This Court vide order 27.07.2017 had directed the parties to appear before the trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and the learned trial Court/Illaq Magistrate was directed to submit its report regarding the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Chief Judicial Magistrate, Faridkot and got their statements

recorded. Learned Magistrate has forwarded his report dated 06.09.2017 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any pressure or undue influence from either side. Thus, the compromise is genuine and valid. The statement of Lakhwinder Singh @ Lakha, complainant, which is accompanied with the report, reads as under:-

“Statement of Lakhwinder Singh @ Lakha son of Gurmit Singh, resident of Bholuwala Road, Faridkot, District Faridkot (ON S.A).

Stated that the present FIR was got registered by me against the accused Rakku @ Rakesh Kumar, Majnu, Banti @ Beant Singh, Kurla @ Chottu, Rohit Kumar. Present FIR was registered against six persons by name and against rest as unknown. However, Rakku @ Rakesh Kumar and Rakesh Kumar is one and the same person, but inadvertently, it was named twice in my statement U/s 154 Cr.PC as Rakku and Rakesh Kumar and according to my statement, FIR was registered. Now, with the intervention of respectables of society, written compromise has been effected between us, which is placed on record before the Hon'ble High Court. Compromise effected between us is genuine, voluntary and without any coercion or undue influence. Compromise is for the betterment of both the parties. I have no objection if the present FIR and the proceedings are quashed against the accused persons namely Rakku @ Rakesh Kumar, Majnu, Banti @ Beant Singh, Kurla @ Chottu, Rohit Kumar. Photocopy of my Adhar card is Ex.C1.

*RO & AC
Sd/- Lakhwinder Singh
Sd/- (Adv)*

*Sd/-
(Palwinder Jit Kaur),
CJM/21.08.2017
FDK”*

Learned counsel for State does not dispute the factum of compromise between the parties.

Learned counsel for the respondent no.2/complainant has also not disputed the factum of the compromise between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.320 dated 31.12.2016 under Sections 341, 323, 308, 336, 148, 149, 427 IPC registered at Police Station City Faridkot, District Faridkot (Annexure P-1) is quashed *qua* the petitioners, in view of compromise dated 21.08.2017.

(HARI PAL VERMA)
JUDGE

03.10.2017
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1. Whether reportable?	Yes/No
2. Whether speaking/Non-speaking?	Yes