

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

CRM-M-20584 of 2017.

Decided on:-13.12.2017.

Mian Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Ms. Manpreet Kaur Shergill, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. G.S. Bawa, Advocate
for respondents No.2 and 3.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.02 dated 05.01.2017 under Sections 323, 324, 451 and 506 IPC as well as Section 326 IPC (added later on) registered at Police Station Julka, District Patiala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.01.2017 (Annexure P-2).

This Court vide order dated 20.09.2017 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, the petitioners, namely, Mian Singh, Pargat Singh, Balbir Kaur and Satvir Kaur as well as respondents No.2 and 3, namely, Kehar Singh and Sarwan Singh have appeared before learned Judicial Magistrate 1st Class, Patiala and got their statements recorded on 14.11.2017. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 16.11.2017 to the effect that the compromise has been effected between the parties without any undue influence, coercion or pressure and the same is outcome of their free will and volition.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Kehar Singh. His joint statement along with injured/respondent No.3-Sarwan Singh made before learned Magistrate on 14.11.2017 in support of the compromise, reads as under:

“Stated that we have compromised the matter with accused Mian Singh, Pargat Singh, Balbir Kaur and Satvir Kaur. The matter has been compromised with the intervention of respectable persons. We have no objection if FIR No.02 dated 05.1.2017 under Section 323, 324, 451, 506 of IPC and Section 326 of IPC, P.S. Julkan, Patiala may kindly be quashed against above said accused persons. The present statement is given by us without any fear, pressure or coercion and with our free consent.”

Learned State counsel as well as learned counsel for respondents No.2 and 3 have not disputed the factum of compromise effected between the parties.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse of the process of law.

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*, the present petition is allowed and the FIR No.02 dated 05.01.2017 under Sections 323, 324, 451 and 506 IPC as well as Section 326 IPC (added later on) registered at Police Station Julka, District Patiala (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 15.01.2017 (Annexure P-2).

December 13, 2017

Yag Dutt

**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No