

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20671-2017
Decided on: 20.09.2017

Jatinder Singh @ Chindi and others

.... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Kamal Chaudhary, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Hari Pal Verma, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.122 dated 17.11.2016 under Sections 323/324/148/149 IPC, registered at Police Station Hariana, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 30.05.2017 (Annexure P-2).

Mr. C.S. Jattana, Advocate appeared and filed Vakalatnama on behalf of respondent No.2, which is taken on record.

Learned counsel for the petitioners states that the name of petitioner No.4 has wrongly been typed as 'Gursewal Singh' instead of 'Gursewak Singh'. Even the learned trial Court while forwarding report dated 03.08.2017 has forwarded a copy of Adhar card, showing the name of petitioner No.4 as Gursewak Singh. This fact has not been disputed by learned counsel for respondent No.2-complainant. Accordingly, the name of petitioner No.4 be read as Gursewak Singh. Registry to carry out necessary correction in the memo of parties.

This Court vide order dated 02.06.2017 had directed the parties to appear before the trial Court 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 1st Class, Hoshiarpur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.08.2017 to the effect that the compromise effected between the parties is genuine, voluntary, without any coercion or undue influence.

Complainant-respondent No.2, Jasbir Kumar, has made his statement with regard to compromise before learned Magistrate on 29.09.2017. The same is reproduced as under:-

“Stated that an FIR No.122 dated 17.11.2016, u/s 323, 324, 148, 149 IPC, P.S. Haryana was registered at my statement against the accused Jatinder Singh @ Chindi, Taranjit Singh @ Ghanti, Saddiq Mohammad @ Manu, Gursewak Singh, Harminder Singh @ Sonu and Baljit Singh @ Jyoti. Now, a compromise has been effected between me and Jatinder Singh @ Chindi, Taranjit Singh @ Ghanti, Saddiq Mohammad @ Manu, Gursewak Singh, i.e. four accused out of the six named in the FIR. On the basis of said compromise, accused have filed present quashing petition before the Hon'ble High Court, which is now fixed for 20.09.2017. Original compromise deed is Ex.P1 and the same is signed by me. I identify my signature on Ex.P1. The compromise in question is without any coercion, undue influence and without any pressure and with my free will and consent. I have no objection, in case the present FIR be quashed and accused are acquitted.”

Learned State counsel as well as learned counsel for respondent No.2-complainant 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 F.I.R.

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 F.I.R. No.122 dated 17.11.2016 under Sections 323/324/148/149 IPC, registered at Police Station Hariana, District Hoshiarpur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 30.05.2017 (Annexure P-2).

20.09.2017
Dinesh

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No