

252.

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

CRM-M-24179-2017

Date of decision:05.09.2017.

MALKIT SINGH AND ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab,
for respondent No.1.

Mr. Mandeep K. Dhot, Advocate,
for Mr. Inder Pal 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 F.I.R. No.86 dated 18.07.2013 under Sections 323/324/341/148/149 IPC (Section 326 IPC added lateron), registered at Police Station Daba, District Ludhiana (Annexure P-1), order dated 22.01.2014 (Annexure P-4) framing charges against the petitioners and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 17.05.2017 (Annexure P-2).

This Court vide order dated 12.07.2017 had directed the parties to appear before the Illaqa Magistrate/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 Ist Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 04.09.2017 to the effect that the compromise effected between the parties is genuine and without any pressure and coercion.

Respondent No.2-complainant, namely, Inder Singh has made his statement with regard to compromise before learned Magistrate on 04.09.2017. The same is reproduced as under:-

“I have got lodged FIR No.86 dated 18.07.2013 u/s 323, 324, 341, 148, 149, 326 of IPC, P.S. Daba against accused Malkit Singh, Resham Singh, Balbir Singh, Sushil Kumar and Bhupinder Singh @ Rinku. Now the mater has been compromised with all the accused persons voluntarily and without any pressure. I do not have any objection if aforementioned FIR be quashed against accused persons. There are five persons involved in the FIR and none of the accused is Proclaimed offender.”

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 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.86

dated 18.07.2013 under Sections 323/324/341/148/149 IPC (Section 326 IPC added lateron), registered at Police Station Daba, District Ludhiana (Annexure P-1), order dated 22.01.2014 (Annexure P-4) framing charges against the petitioners and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 17.05.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

05.09.2017
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No