

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

250

CRM-M-25605 of 2017

Date of Decision:28.11.2017

Gurmail Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

**Present: Ms. Navneet Kaur, Advocate for
Mr. G.S Nahel, Advocate,
for the petitioners.**

**Mr. M.S.Nagra, A.A.G., Punjab,
for respondent No.1.**

**Ms. Sandeep Kaur Randhawa, Advocate for
Mr. R.S. Sidhu, Advocate,
for respondent Nos.2 to 4.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.52 dated 13.06.2017 under Sections 452, 323, 506, 34 IPC, registered at Police Station Khanauri, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 19.07.2017 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, however, statement of respondent No.4

could not be recorded. Again, vide order dated 29.09.2017, another

opportunity was granted to the respondent No.4 to get his statement recorded, in terms of order dated 19.07.2017 passed by this Court.

Pursuant to the aforesaid order, parties have appeared before learned Sub Divisional Judicial Magistrate, Moonak and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 22.08.2017 to the effect that the parties have compromised the matter voluntarily and without any pressure or undue influence and the compromise is genuine.

Respondent Nos.2, complainant, namely, Sarabjit Singh and injured respondent No.3 Kulwinder Kaur, have made joint statement with regard to compromise before learned Magistrate on 11.08.2017. The same is reproduced as under:-

“Stated that we are the complainant/injured in the case FIR No.52 dated 13.06.17 under Sections 452, 323, 506 and 34 IPC, P.S. Khanauri, The case was registered against accused namely Gurmail Singh s/o Sher Singh, Kulwinder Singh, Davinder Singh s/o Gurmail Singh, all r/o Village Harigarh Gellan, Tehsil Moonak, Distt. Sangrur. Now, with the intervention of the respectables of my villagers and relatives, we have effected compromise with the accused and the same has been effected out of our free will without any inducement, threat, promise or coercion from any corner. The same has been effected in order to end bitterness. We do not want to proceed with the present case against the accused. We have no objection if the present FIR No.52 dated 13.06.17, under Sections 452, 323, 506 and 34 IPC, P.S. Khanauri is quashed. We shall remain bound by this compromise.”

Apart from above, a similar statement has also been made by

respondent No.4-Harvinder Singh before the learned Magistrate on

26.10.2017, whereby he has shown no objection to the present FIR being quashed.

Learned State counsel as well as learned counsel for respondent Nos.2 to 4 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 FIR.

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 FIR No.52 dated 13.06.2017 under Sections 452, 323, 506, 34 IPC, registered at Police Station Khanauri, District Sangrur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise (Annexure P-2).

November 28, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No