

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25977-2017
Decided on: 20.09.2017

Ajit Singh and others

.... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.S. Bhatia, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. S.K. Banga, 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 F.I.R. No.66 dated 02.07.2017 under Sections 323, 324, 452, 148 & 149 of IPC, registered at Police Station Chatiwind, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.07.2017 (Annexure P-2).

This Court vide order dated 20.07.2017 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, 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.08.2017 to the effect that the compromise effected between the parties is genuine, voluntary, without any coercion or undue

influence.

Complainant-respondent No.2, Gurmukh Singh, has made his statement with regard to compromise before learned Magistrate on 16.08.2017. The same is reproduced as under:-

“That I Gurmukh Singh aged 70 years Sohan Singh r/o Village Guruwali (Bhinder Colony, Tehsil & District Amritsar) had registered FIR No.66 dated 2.7.2017 u/s 323/324/452/148/149 of IPC P.S. Chatiwind, Amritsar against the accused namely Ajit Singh, Bhupinder Singh, Mukhtiar Singh, Heera Singh & Lovepreet Singh @ Lovejeet Singh. Now we have entered into compromise with the intervention of respectable persons with above said accused. The compromise is written on 7.7.2017 which is already filed before the Hon'ble Punjab & Haryana High Court. The compromise is genuine one. The compromise has been effected without any undue influence and pressure or coercion. I identified the accused present in the Court. The quashing filed by the accused before the Hon'ble High Court if were allowed, I shall have no objection.”

Apart from the above, similar statement has also been made by respondent No.3-Amarjeet Singh, who is injured in the case, whereby he has shown no objection to the FIR being quashed. There is nothing on record to doubt about the genuineness of compromise.

Learned State counsel as well as learned counsel for respondents No.2 and 3 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.66 dated 02.07.2017 under Sections 323, 324, 452, 148 & 149 of IPC, registered at Police Station Chatiwind, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 07.07.2017 (Annexure P-2).

20.09.2017

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**(HARI PAL VERMA)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No