

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25991-2017
Decided on: 20.09.2017

Nishan Singh and another

.... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Piyush Sharma, 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.45 dated 23.05.2017 under Sections 323, 325 & 34 of IPC, registered at Police Station Mamdot, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 21.06.2017 (Annexure P-2).

Mr. Jagat Pal Singh Banwait, Advocate appeared and filed Vakalatnama on behalf of respondent No.2, which is taken on record.

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, Ferozepur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.08.2017 to the effect that the compromise effected between the parties is genuine, voluntary, without any coercion or undue

influence.

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

“Stated that FIR No.45 dated 23.05.2017 was registered against accused Nishan Singh and Shavinder Singh on my statement at PS Mamdot, under Section 323, 325/34 IPC. Now a compromise has been effected by me with the accused/applicants. The compromise has been effected between the parties without any undue influence or pressure etc and the same is result of sweet will of the parties. We are not declared proclaimed offender in any other case earlier pending between the parties. The instant FIR if be quashed I shall have no objection.”

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.45 dated 23.05.2017 under Sections 323, 325 & 34 of IPC, registered at Police Station Mamdot, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise/affidavit dated 21.06.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

20.09.2017
Dinesh

Whether speaking/reasoned : Yes / No
Whether Reportable : Yes / No