

253.

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

CRM-M-26507-2017

Date of decision:27.09.2017.

GURDEEP SINGH & ORS

... Petitioners

Versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. V.K. Sandhir, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

Mr. Sanjeev Rao, Advocate, for
Mr. Paras Jagga, 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.130 dated 01.06.2016 under Sections 323/324/452/506/34 IPC, registered at Police Station Sultanwind, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.07.2017 (Annexure P-2).

This Court vide order dated 25.07.2017 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 & Principal Magistrate, Juvenile Justice Board, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrates have submitted their reports dated 31.08.2017 (J.M.I.C., Amrtsar) and 19.09.2017 (Principal Magistrate) to the effect that the compromise effected between the parties is genuine, voluntary without any threat, undue influence or coercion.

Respondent No.2-complainant, namely, Lovejeet Singh @ Love Mall has made his statement with regard to compromise before learned Magistrate on 24.08.2017. The same is reproduced as under:-

“Stated that I got registered an FIR No.130 dated 31.05.2016 P.S. Sultanwind, Amritsar under Section 323/324/452/506/34 of IPC against accused i.e. Gurdeep Singh son of Baldev Singh and Gurmeet Singh son of Baldev Singh and Harmeet Singh son of Baldev Singh and Sarabjit Singh @ Love son of Gurdeep Singh. Now I have compromised the matter with the above said accused amicably. The copy of the said compromise/affidavit is already filed before the Hon'ble High Court. The said compromise was effected without any coercion, pressure and undue influence and with my free will and I have no objection if the above said FIR registered against the above said accused be quashed. There is no other accused, further no accused in this case has been absconding or declared P.O.”

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.130 dated 01.06.2016 under Sections 323/324/452/506/34 IPC, registered at Police Station Sultanwind, Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 15.07.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

27.09.2017
sanjeev

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