

249.

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

CRM-M-26789-2017

Date of decision:29.09.2017

HIMMAT SINGH AND ANR

... Petitioners

versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ramesh Sharma, Advocate,
for the petitioners.

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

None 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.65 dated 20.06.2017 under Sections 324, 326, 34 IPC, registered at Police Station Bholath, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 04.07.2017 (Annexure P-2).

This Court vide order dated 27.07.2017 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, Kapurthala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 05.09.2017 to the effect that the parties have entered into compromise voluntarily, without any threat, coercion or pressure and the same is genuine.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Hazara Singh, but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned Magistrate on 21.08.2017. The same is reproduced as under:-

“It is stated that a case FIR No.65 dated 20.06.2017 u/s 324/326/34 IPC, PS Bholath is pending in this Court. I was injured witness in the afore-said FIR. The matter in dispute has been compromised amicably with the intervention of the respectables of village between me and Himmat Singh and Baldev Singh sons of Tara Singh R/o Village Bhatunura Kalan, PS Bholath, District Kapurthala. There is no accused have been declared as a proclaimed offender. We have compromised the matter voluntarily and without any coercion or undue influence. We have no objection if the aforesaid FIR against above-said accused is quashed.”

Learned State counsel has 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**

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.65 dated 20.06.2017 under Sections 324, 326, 34 IPC, registered at Police Station Bholath, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 04.07.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

29.09.2017
sanjeev

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