

257.

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

CRM-M-29081-2017

Date of decision:12.12.2017.

NISHAN SINGH & ORS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

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

Mr. M.S. Nagra, 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.60 dated 16.07.2016 under Sections 452, 323, 324, 34 IPC, registered at Police Station Raja Sansi, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.01.2017 (Annexure P-2).

This Court vide order dated 10.08.2017 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 Sub Divisional Judicial Magistrate, Ajnala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 18.10.2017 to the effect that the compromise has

been effected between the parties without any threat, coercion or undue influence.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Balkar Singh, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 15.09.2017. The same is reproduced as under:-

“Stated that on my statement FIR No.60 dated 16.07.2016, under Section 452, 323, 324, 34 IPC P.S. Rajasansi was registered against accused persons namely Sarwan Singh S/o Gurmukh Singh, Nishan Singh S/o Ajit Singh, Gurmukh Singh S/o Ajit Singh and Harjinder Kaur W/o Gurmukh Singh all resident of Village Othian, Tehsil Ajnala, Distt. Amritsar. The compromise has been effected between me with all the accused persons with the intervention of the respectables and relatives. The original copy of my affidavit cum compromise dated 21.12.2016 is Ex.C1. The contents of the Ex.C1 dated 21.12.2016 may kindly be also read as part my this statement. Now I have no objection if the above said FIR being quashed against all the accused persons by the Hon'ble Punjab & Haryana High Court, Chandigarh. My compromise is genuine and voluntarily one and without any pressure and coercion or undue influence. Photocopy of my Identity Card is attached as Ex.P2. (Original seen and returned).”

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 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.60 dated 16.07.2016 under Sections 452, 323, 324, 34 IPC, registered at Police Station Raja Sansi, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.01.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

12.12.2017
sanjeev

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