

266.

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

CRM-M-29425-2017

Date of decision:24.10.2017.

JAGPREET SINGH @JAGGA AND ANR.

... Petitioners

Versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. L.S. Sidhu, Advocate,
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab,
for respondent No.1.

Mr. D.S. Sidhu, 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.138 dated 10.12.2016 under Sections 452/ 279/ 323/324/326/148/149 IPC, registered at Police Station City Patti, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 15.04.2017 (Annexure P-2).

This Court vide order dated 11.08.2017 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, Patti and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 26.09.2017 to the effect that the parties have compromised the matter with the intervention of the respectables and their compromise is free from any pressure, undue influence and coercion.

Respondent No.2-complainant, namely, Sarwan Singh and respondent No.3-injured, namely, Akashdeep Singh, have made a joint statement with regard to compromise before learned Magistrate on 20.09.2017. The same is reproduced as under:-

“That we are Complainant in FIR no.138/2016 Dated 10.12.2016 under section 452, 279, 323, 324, 326, 148 and 149 IPC, P.S. City Patti, District Tarn Taran which was recorded on the basis of my statement registered against the petitioner in the above said CRM No.29425 of 2017. Petitioner has filed a petition under section 482 Cr.P.C. for quashing of above said FIR against them on the basis of compromise between the parties. We and the petitioner has compromised the matters through the intervention of respectables, by using our respective free will and consent and without using any undue influence and coercion in this regard. The compromise have been filed before the Hon'ble High Court which bears our signature and signatures of the petitioner. This compromise will bring peace, harmony and amity between the parties. Photocopy of Adhar card of Sarwan Singh is Mark A and photocopy of Adhar Card of Akhashdeep Singh is Mark B. This FIR may be quashed on the basis of our compromise. We do not want to take any

action against the petitioner/Accused and my grievances stand redressed. We have no objection if the above said FIR is quashed. Ajay Kumar Chabra Advocate identify to respondent/complainant. ”

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.138 dated 10.12.2016 under Sections 452/ 279/ 323/324/326/148/149 IPC, registered at Police Station City Patti, District Tarn Taran (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 15.04.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

24.10.2017
sanjeev

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