

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

CRM-M-29660 of 2017

Date of Decision:15.12.2017

Bhagwant Singh Raju and others

.....Petitioners

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. J.S. Jaidka, Advocate,
for the petitioners.**

**Mr. M.S.Nagra, A.A.G., Punjab,
for respondent No.1.**

**Mr. Naresh Kumar Kalia, 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 FIR No.36 dated 05.05.2012 under Sections 323, 341, 506, 34 IPC (the offence punishable under Section 326 IPC was added later on), registered at Police Station Laddowal, District Ludhiana City and all subsequent proceedings arising therefrom on the basis of compromise dated 17.02.2016 (Annexure P-1).

Learned counsel for the petitioners states that respondent No.3 though is an accused in the case, but he is a proclaimed offender, therefore, quashing of FIR is restricted to petitioner Nos.1 to 3 only.

This Court vide order dated 17.08.2017 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 Judicial Magistrate 1st Class, Ludhiana and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.10.2017 to the effect that the parties have arrived at a compromise with their free consent, without any pressure, coercion or undue influence.

Respondent Nos.2, complainant, namely, Narinder Sandhu, has made a statement with regard to compromise before learned Magistrate on 18.09.2017. The same is reproduced as under:-

“Stated that present case bearing FIR No.36 dated 05.05.2012 u/s 326, 323, 341, 506, 34 of IPC, P.S. Ladhowal, District Ludhiana was registered on my statement against Sonia w/o Baru Ram D/o Ragubir Singh resident of village Fatehpur, Ladhowal, Ludhiana, Monika d/o Ragubir Singh @ Balbir Ram, resident of village Fatehgar Gujran P.S. Ladhowal, Ludhiana and Bhagwant Singh @ Raju son of Raghbir Singh @ Balbir Chand, resident of village Fatehgar Gujran, Ludhiana and Vijay Kumar son of Tarsem Lal resident of village Kitna P.S. Garshanker P.S. Hoshiarpur at present resident of village Jasso Mujara District Nawan Sehar. Now with the intervention of respectables, the matter has been compromised between me and accused persons and regarding the same a petition under Section 482 of Cr.P.C. for quashing the FIR was filed by accused persons in Hon'ble Punjab & Haryana High Court, and the Hon'ble High Court vide order dated 17.08.2017 in CRM No.M-29660 of 2017 had directed the parties to get their statements recorded. Since I have compromised the matter

with the accused persons, I do not want to pursue with the present case. I have voluntarily entered into compromise with my free consent & without any pressure, undue influence and coercion. I have no objection if the present FIR and its subsequent proceedings are quashed.”

Learned State counsel as well as learned counsel for 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 FIR No.36 dated 05.05.2012 under Sections 323, 341, 506, 34 IPC (the offence punishable under Section 326 IPC was added later on), registered at Police Station Laddowal, District Ludhiana City and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 17.02.2016 (Annexure P-1).

December 15, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No