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

CRM-M-29668-2017

Date of decision:11.12.2017.

GURDEV SINGH & ORS

... Petitioners

Versus

STATE OF PUNJAB & ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioners.

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

None for respondents No.2 to 5.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.24 dated 13.05.2017 under Sections 308/379-B/324/323/447/511/427/148/149 IPC and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Sadiq, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavits of respondents No.2 to 4 dated 21.06.2017 (Annexures P-2 to P-4) and respondent No.5 dated 23.06.2017 (Annexure P-5).

This Court vide order dated 16.08.2017 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 Ist Class, Faridkot and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 17.10.2017 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any kind of undue influence and coercion.

Though today none has put in appearance on behalf of respondent No.2-complainant, namely, Gurjant Singh and injured-respondents No.3 to 5, but no prejudice would be caused to them as they have already made a joint statement with regard to compromise before learned Magistrate on 18.09.2017. The same is reproduced as under:-

“Stated that the present FIR bearing No.24 dated 13.05.2017 under Sections 308, 379-B, 323, 324, 447, 511, 427, 148, 149 IPC and 25, 27, 54 Arms Act, PS Sadiq, District Faridkot lodged on my statement against seven accused namely Gurdev Singh, Sapal Singh, Gurkirat Singh, Amritpal Singh all residents of Deep Singh Wala, Now residing at Tilak Nagar, Street No.5, Sri Muktsar Sahib, Jagsir Singh r/o Kartar Street Sri Muktsar Sahib Harbilas Singh son of Lachhman Singh resident of Village Jasseana, District Muktsar Sahib and Inderjeet Singh son of Kulwinder Singh resident of Village Udekaran District Muktsar Sahib. A compromise has been effected between me and above said accused persons with the help of Panchayat and respectables. I have given an affidavit to this effect Annexures P2, P3, P4, P5 of CRM-M-29668/2017 of Hon'ble Punjab and Haryana High Court. It bears their signatures. The compromise has been arrived at by us out of our free will and without any coercion, threat, pressure, greed or fraud without any undue influence. I have no objection if the FIR No.24 dated 13.05.2017 under Sections 308, 379-B, 323, 324, 447, 511, 427, 148, 149 IPC and 25, 27, 54 Arms Act, PS Sadiq, District Faridkot and the proceedings are quashed against the accused persons. Copy of Aadhar card of Jarnail Singh No.223855814927, Copy of Aadhar Card of Gurpreet Singh No.754760109538, Copy of Aadhar Card of Karnail Singh No.971363492661 and Copy of Aadhar Card of Gurjant Singh No.741411084686, true photostat copies of the same are Ex.A1 to Ex.A4 (Original seen and return). Complainant party and accused party are brothers and sons and near relative, we live peacefully.”

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.24 dated 13.05.2017 under Sections 308/379-B/324/323/447/511/427/148/149 IPC and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Sadiq, District Faridkot (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavits of respondents No.2 to 4 dated 21.06.2017 (Annexures P-2 to P-4) and respondent No.5 dated 23.06.2017 (Annexure P-5).

(HARI PAL VERMA)
JUDGE

11.12.2017
sanjeev

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