

272/A.

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

CRM-M-29770-2017

Date of decision:11.12.2017.

KARNAIL SINGH & ORS

... Petitioners

Versus

STATE OF PUNJAB & ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr.Vikas Sonak, Advocate, for
Mr. Gobind Sharma, 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 DDR bearing No.20 dated 14.05.2017 under Sections 307/323/148/149 IPC, Police Station Sadar Kotkapura, District Faridkot (Annexure P-1) in 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-2) and all subsequent proceedings arising therefrom on the basis of compromise by way of affidavit of complainant/respondent No.2 dated 21.06.2017 (Annexure P-3).

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. However, statement of petitioner No.6-Jagmeet Singh could not be recorded. On 30.10.2017, when the matter came up for hearing before this Court, counsel for the petitioners sought time to get the statement of petitioner No.6 recorded.

Pursuant to the aforesaid order, parties have appeared before learned Judicial Magistrate Ist Class, Faridkot on 17.11.2017 and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 08.12.2017 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, Gurdev Singh, but no prejudice would be caused to him as he has already made a statement with regard to compromise before learned Magistrate on 17.11.2017. The same is reproduced as under:-

“Stated that the present DDR bearing No.20 dated 14.05.2017 offence under Section 307, 323, 148, 149 IPC registered at PS Sadiq in 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 Karnail Singh, Jarnail Singh sons of Bachhitar Singh, Gurpreet Singh son of Jarnail Singh, Gurjant Singh son of Karnail Singh all residents of Village Deep Singh Wala, District Faridkot, Gurpreet Singh, Jagmeet Singh sons of Rachhpal Singh and Rachhpal Singh son of Gurdeep Singh. 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 Annexure P3 of CRM-M-29770/2017 of Hon'ble Punjab and Haryana High Court. It bears my signature. 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 DDR bearing No.20 dated 14.05.2017 offence under Section 307, 323, 148, 149 IPC registered at PS Sadiq in 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 and

the proceedings are quashed against the accused persons. Copy of Aadhar Card of Gurdev Singh No.742750077550, true photostat copy of the same is Ex.A1 (Original seen and return). I and accused persons 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 DDR bearing No.20 dated 14.05.2017 under Sections 307/323/148/149 IPC, Police Station Sadar Kotkapura, District Faridkot (Annexure P-1) in 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-2) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise by way of affidavit of complainant/respondent No.2 dated 21.06.2017 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

11.12.2017
sanjeev

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