

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30165-2017

Date of decision: November 08, 2017

Gurpreet Singh @ Pitta and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurmeet Singh, Advocate
for the petitioners.

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

Mr. Nirmaljeet S. Sidhu, 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 F.I.R. No.123 dated 03.07.2015 under Sections 323, 451 IPC, registered at Police Station Sadar Khanna, Police District Khanna, District Ludhiana (Punjab), (Sections 323, 452, 201, 34 of IPC were added lateron) (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 07.05.2017 (Annexure P-2).

This Court vide order dated 18.08.2017 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

Additional Civil Judge (Senior Division)-cum-Sub Divisional Judicial Magistrate,

Khanna and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.10.2017 to the effect that the compromise has been effected between the parties voluntarily and without any pressure.

Respondent No.2-complainant, namely, Bahadur Singh, has made his statement with regard to compromise before learned Magistrate on 21.09.2017.

The same is reproduced as under:-

“I compromised with accused Gurpreet Singh @ Pitta son of Nachhattar Singh, Baldev Singh son of Harmail Singh and Manjit Singh son of Karnail Singh all the resident of Village Rajewal, Tehsil Khanna, PS Sadar Khanna, Distt. Ludhiana, regarding the matter of the case with my own free will, without any pressure and coercion. The compromise has been reduced into writing on 07.05.2017 and I admit the written compromise to be true and correct, the copy of the said compromise is Ex.C1 on which I identify my signatures. I have no objection to quash the FIR and proceedings of FIR No.123 dated 03.07.2015, under Sections 323/452/201/34 IPC, PS City Khanna. Copy of my Aadhar Card is Mark A.”

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 F.I.R. No.123 dated 03.07.2015 under Sections 323, 451 IPC, registered at Police Station Sadar Khanna, Police District Khanna, District

(Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 07.05.2017 (Annexure P-2).

November 08, 2017
m. sharma

(HARI PAL VERMA)
JUDGE

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