

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.30840 of 2017
Date of Decision.30.10.2017

Sukhwinder Singh and others

.....Petitioners

Vs

State of Punjab and others

.....Respondents

Present: Mr. Balwinder Singh, Advocate for
Mr. Harchand Singh Batth, Advocate
for the petitioners.

Mr. Bhupinder Beniwal, AAG, Punjab.

Mr. Gaurav Kalsi, Advocate
for respondent Nos.2 & 3.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J.(ORAL)

The present petition has been filed for quashing of FIR No.104 dated 27.08.2013 u/s 323, 324, 326, 148, 149, 336 IPC and Section 25, 27, 54, 59 of Arms Act and all subsequent proceedings arising therefrom on the basis of compromise dated 08.07.2017 (Annexure P-2).

This Court vide order dated 23.08.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their statements recorded and the Illaqa Magistrate/trial Court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before the learned Civil Judge (Junior Division)-cum-Judicial Magistrate 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Civil Judge (Junior Division)-cum-Judicial Magistrate

that the parties have arrived at a volunteer compromise.

Respondent No.2-complainant, namely, Surjit Singh has made his statement with regard to compromise before the learned Civil Judge (Junior Division)-cum-Judicial Magistrate 1st Class, Amritsar on 22.9.2017.

The same is reproduced as under:-

“Stated that my statement one criminal case in the shape of FIR No.104 dated 27.8.2013 was registered at PS Chatiwind under Section 323/325/326/149/336 IPC along with Section 25/27/54/59 of Arms Act against Sukhwinder Singh, Gurdev Singh, Manjit Kaur, Rajbir Kaur, Sukhwant Singh, Satnam Singh, Jasbir Singh, Karan Singh and Sukhdev Singh (since expired), all the accused persons present in the court today. However, now with the intervention of respectables the matter has been compromised in an amicable way and we have decided to bury our hatchets and ill feelings once and for all and live a life of peace and harmony in the future. Accordingly, I have no objection if the present FIR registered against all the accused persons is quashed and all the accused persons are discharged or acquitted accordingly. I have entered into compromise with the accused persons out of my free will and without any sought of misrepresentation, threat, coercion or duress. I have suffered my statement today in the court out of my free will and without any sought of threat to me or any of my family member in a sound disposing mind. I undertake to remain bound my statement.”

Learned State counsel as well as learned counsel for the complainant have not disputed the factum of compromise between the parties.

Since the factum of compromise has also been endorsed by the complainant before the Court below, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Resultantly, this petition is allowed and FIR No.104 dated 27.08.2013 u/s 323, 324, 326, 148, 149, 336 IPC and Section 25, 27, 54, 59 of Arms Act and all subsequent proceedings arising therefrom are quashed on the basis of compromise dated 08.07.2017 (Annexure P-2).

(AMIT RAWAL)
JUDGE

October 30, 2017
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No