

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31582 of 2017

Date of Decision:06.11.2017

Jatinder Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Jishmeet Singh, Advocate for
Mr. S.S.Majithia, Advocate,
for the petitioners.**

Mr.M.S.Nagra, A.A.G., Punjab.

**Mr. Saurav Kanojia, Advocate for
Mr. Bikram Singh, 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.22 dated 14.04.2017 under Sections 323, 324, 452, 148, 149 IPC, registered at Police Station Khilchian, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 27.07.2017 (Annexures P-2 and P-3), respectively.

This Court vide order dated 28.08.2017 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 Sub Divisional Judicial Magistrate, Baba Bakala Sahib and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 02.11.2017 to the effect that the parties have compromised the mater with the intervention of the respectables and the compromise has been effected between the parties voluntarily, out of their free will and without any pressure or coercion.

Respondent Nos.2, complainant, namely, Lakhwinder Singh, has made a statement with regard to compromise before learned Magistrate on 14.09.2017. The same is reproduced as under:-

“The present case has been registered on my statement against accused 1) Jatinder Singh aged 18 years s/o Manjit Singh, 2) Satnam Singh aged 29 years s/o Balwinder Singh, 3) Sahib Singh aged 42 years s/o Mehnga Singh Majbi Singh, 4) Jagroop Singh aged 28 years s/o Balwinder Singh, 5) Balwinder Singh aged 57 years s/o Surain Singh, 6) Mehnga Singh aged 64 years s/o Bachan Singh, 7) Jobanjit Singh aged 22 years s/o Manjit Singh, All residents of Butari Station, Police Station Khalchian, District Amritsar Rural. Now the matter has been compromised with all above said accused with intervention of respectable persons of the village. I do not want to take further action against the accused persons. I do not want to proceed further with the said FIR against the accused persons. I have no objection if the FIR No.22 of 2017, Police Station

Khalchian under Sections 323/324/452/148/149 of IPC and subsequent proceedings arising out of said FIR registered at Police Station Khalchian is quashed by the Hon'ble High Court. The compromise is genuine, voluntary and without any coercion or undue influence. I have made this statement out of my free will and without any threat or pressure.”

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.22 dated 14.04.2017 under Sections 323, 324, 452, 148, 149 IPC, registered at Police Station Khilchian, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 27.07.2017 (Annexures P-2 and P-3), respectively.

November 06, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No