

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31867-2017

Date of decision: November 08, 2017

Raj Masih @ Raja Masih and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jagdish Singh Mahal, Advocate
for the petitioners.

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

Mr. Karan Chaudhary, Advocate for
Mr. G.S. Simble, Advocate
for respondents No.2 to 4.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.87 dated 16.06.2017 under Sections 324, 323, 148, 149 IPC (Sections 325, 326 IPC added later on), registered at Police Station Dhariwal, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.08.2017 (Annexure P-2).

This Court vide order dated 30.08.2017 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 Chief Judicial Magistrate, Gurdaspur and got their statements recorded. On the

basis of the statements so recorded, learned Magistrate has submitted report dated 09.10.2017 to the effect that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

Respondent No.2-complainant, namely, Chhinda Masih @ Shinda and respondents No.3 and 4, namely, Malkeet Singh and Gurjant Singh, have made a joint statement with regard to compromise before learned Magistrate on 29.09.2017. The same is reproduced as under:-

“Stated that FIR No.87 dated 16.06.2017, under Sections 324, 323, 148, 149 Indian Penal Code (Section 325, 326 IPC added later on) was registered at Police Station Dhariwal, District Gurdaspur (Punjab) against accused persons by us. Now with the intervention of respectables the matter has been compromised. Therefore, we do not want to pursue the present case. We have no objection, if the present FIR is quashed by Hon'ble Punjab & Haryana High Court, Chandigarh, on the basis of compromise. We have suffered this statement voluntarily without any coercion or undue influence. We have brought our Aadhar Cards and produce the photocopy of same which are Annexure C1 to C3. ”

Learned State counsel as well as learned counsel for respondents No.2 to 4 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.87 dated 16.06.2017 under Sections 324, 323, 148, 149 IPC (Sections 325, 326 IPC added later on), registered at Police Station Dhariwal,

therefrom are quashed qua the petitioners on the basis of compromise dated 19.08.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

November 08, 2017
m. sharma

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