

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32340 of 2017

Date of Decision:06.11.2017

Lakhvinder Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Saurav Kanojia, Advocate for
Mr. Bikram Singh, Advocate,
for the petitioners.

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

Mr. Jishmeet Singh, Advocate for
Mr. S.S.Majithia, Advocate,
for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of Diary/Rapat No.22 dated 18.04.2017 under Sections 341, 323, 324, 427, 148, 149 and 326 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 04.09.2017 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 matter 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, Jatinder 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) Lakhvinder Singh aged about 47 years s/o Phira Singh, 2) Simarjit Singh aged about 18 years s/o Lakhvinder Singh, 3) Lovepreet Singh aged about 22 years s/o Lakhvinder Singh, 4) Ninderpal Singh aged about 24 years s/o Mohinder Singh, 5) Mandeep Singh aged about 36 years s/o Baldev 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 Rapat No.22 of 2017, Police Station Khalchian under Sections 341/323/324/427/148/149/326 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 and without any undue influence or coercion. I have made this statement out of my free will and without any threat or pressure.”

Apart from above, a similar statement has also been made by respondent No.3-Bikramjit Singh, whereby he has shown no objection to the present Diary/Rapat being quashed.

Learned State counsel as well as learned counsel for respondents No.2 and 3 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 Diary/Rapat No.22 dated 18.04.2017 under Sections 341, 323, 324, 427, 148, 149 and 326 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