

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-33609 of 2016

Date of Decision: 22.11.2017

Gurdarshan Singh

...Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

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

Present:- Mr. Gursharan Singh, Advocate
for the petitioner.

Mr. APS Jaurkian, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.216 dated 05.11.2000 under Sections 326, 324, 34 IPC registered at Police Station Bhadson, District Patiala on the basis of compromise.

This Court vide order 08.09.2017 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Learned counsel for the petitioner states that pursuant to the order dated 8.9.2017 of this Court, the parties have appeared before learned

Judicial Magistrate Ist Class, Nabha and got their statements recorded. Learned Magistrate has forwarded his report dated 16.10.2017 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any pressure or undue influence from either side. Thus, the compromise is genuine and valid. The statement of Ram Singh, complainant-respondent no.3 has also been attached with the report, wherein he has stated that the compromise entered into between him and the petitioner is genuine and he has no objection to the FIR being quashed. The statement of complainant-respondent no.3 Ram Singh reads as under:-

“Stated that compromise has been effected between the parties so I do not want to proceed with the present case. I have no objection, if the FIR in question is quashed. I have entered into compromise with the accused with my free will and without any pressure. My younger brother Gurnam Singh died on 10.05.2001.”

Learned State counsel has not disputed the factum of the compromise between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.216 dated

5.11.2000 under Sections 326, 324, 34 IPC registered at Police Station Bhadson, District Patiala is quashed *qua* the petitioner, in view of compromise so arrived between the parties.

November 22, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No