

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRM-M-33006 of 2017

Date of Decision:21.11.2017

Jasbir Singh @ Jassa and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

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

**Present: Mr. Manoj Kumar, Advocate for
Mr. Ritesh Pandey, Advocate,
for the petitioners.**

**Mr. Atinder Pal Singh Jaurkian, A.A.G., Punjab,
for respondent No.1.**

**Mr. Deepak Kumar Bartia, 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 FIR No.44 dated 27.07.2016 under Sections 326, 323, 324, 452, 148, 149 IPC, registered at Police Station Khilchain, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.03.2017 (Annexure P-2).

This Court vide order dated 07.09.2017 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 Judicial Magistrate 1st Class, Amritsar and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted his report dated 02.11.2017 to the effect that the parties have compromised the matter. The compromise is voluntary and without any coercion or undue influence and the same is a genuine one.

Respondent Nos.2, complainant, namely, Kashmir Kaur, has made a statement with regard to compromise before learned Magistrate on 09.10.2017. The same is reproduced as under:-

“Stated that I got registered FIR bearing No.44 dated 27.07.2016 u/s 326/323/324/452/148/149 IPC P.S. Khilchain against accused namely Jasbir Singh alias Jassa, Malkiat Singh, Gurpreet Singh, Balwinder Singh, Santokh Singh, Joginder Kaur, Veer Kaur. Now I have entered into compromise with the above said accused without any undue influence, pressure and the said compromise is genuine one. I have no objection if present FIR is quashed or cancelled against accused on the basis of compromise. The original of said compromise is filed before Hon'ble Punjab and Haryana High Court.”

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

Learned State counsel as well as learned counsel for respondent Nos.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 FIR No.44 dated 27.07.2016 under Sections 326, 323, 324, 452, 148, 149 IPC, registered at Police Station Khilchain, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.03.2017 (Annexure P-2).

November 21, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No