

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRM-M-33147 of 2017

Date of Decision:21.11.2017

Gurnam Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: Mr. Deepak Kumar Bartia, Advocate,
for the petitioners.

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

Mr. Manoj Kumar, Advocate for
Mr. Ritesh Pandey, 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 DDR No.20 dated 29.07.2016 under Sections 323, 326, 148, 149 IPC, registered at Police Station Khilchain, District Amritsar Rural (Annexure P-1) in FIR No.44 dated 27.07.2016 under Sections 326, 323, 324, 452, 148, 149 IPC and all subsequent proceedings arising therefrom on the basis of compromise (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, Jasbir Singh, 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 a case in shape of Rapat/DDR No.20 dated 29.07.2016 in the cross case FIR bearing No.44 dated 27.07.2016 u/s 326/323/324/452/148/149 IPC P.S. Khilchain against accused namely Gurnam Singh, Jobanpreet Singh, Harmanpreet Singh alias Harmanjeet Singh, Mandeep Singh alias Manpreet Singh, Kuldeep Singh alias Deepa alias Gurdeep Singh and Mangal Singh. 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/DDR is quashed or cancelled against accused on the basis of compromise. The original of said compromise is filed before Punjab and Haryana High Court”.

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 case.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and***

Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303*, this petition is allowed and DDR No.20 dated 29.07.2016 under Sections 323, 326, 148, 149 IPC, registered at Police Station Khilchain, District Amritsar Rural (Annexure P-1) in FIR No.44 dated 27.07.2016 under Sections 326, 323, 324, 452, 148, 149 IPC and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise (Annexure P-2).

November 21, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No