

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 253

Case No. : Crl. Misc. No.M-34714 of 2016

Date of Decision : March 03, 2017

Karnail Singh @ Jarnail Singh and others Petitioners

vs.

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Ms. Savita Rana, Advocate
for Ms. Sheena Khanna, Advocate
for the petitioners.

Mr. K. S. Sidhu, DAG, Punjab.

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DEEPAK SIBAL, J. :

Four out of the five accused have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No.73 dated 12.06.2015, registered under Sections 323, 324, 341, 506, 148 and 149 IPC, at Police Station Mantiana, District Hoshiarpur, along with all consequential proceedings arising therefrom, on the basis of compromise dated 10.05.2016 (Annexure P-2) arrived at between the parties.

On 05.10.2016, while issuing notice of motion, this Court had passed the following order :-

*“Prayer in this petition is for
quashing of FIR and all the proceedings
subsequent arising thereto on the basis of*

compromise.

Notice of motion for 3.3.2017.

Meanwhile, the parties are directed to appear before the Illaqa Magistrate/Trial Court for recording their respective statements with regard to compromise/settlement on 11.11.2016.

The Illaqa Magistrate/Trial Court is directed to submit a report on or before the next date of hearing containing the following information as well :-

(i) number of persons arrayed as accused in FIR.

(ii) whether any accused is proclaimed offender.

(iii) whether the compromise is genuine, voluntary, and without any coercion or undue influence.”

In response to the afore-quoted order, the following report dated 17.11.2016 had been sent by the Judicial Magistrate Ist Class, Hoshiarpur :-

“Kindly refer to office Endst. No. 18702-03 dated 07.10.2016, on the subject cited above. It is hereby humbly submitted that as per the order of the Hon'ble High Court dated 05.10.2016 in CRM-M No. 34714 of 2016, as per which, the parties were directed to appear before the Trial Court/Illaqa Magistrate for recording their respective statements with regard to compromise/settlement and the Trial Court was directed to submit a report on or before next date

of hearing.

Accordingly in compliance of the aforesaid order of the Hon'ble High Court, both the parties i.e. accused/petitioner namely Karnail Singh alias Jarnail Singh, Sarabjit Singh, Rohit and Sukhwinder Kaur as well as Manpreet Singh/respondent no. 2 recorded their respective statement on 11.11.2016 with regard to compromise. Statements of both the parties were counter authenticated by their Ld. Counsel and respective identity proof of both the parties have also been taken.

As per the statements suffered by the parties, that they have compromised the matter, voluntarily, without any coercion or undue influence and is a genuine one and from the statement of the parties, the Court is of the considered opinion that both the parties have entered into a genuine compromise, voluntarily, and without any coercion or undue influence. Further, as per report of Ahlmad there is no other person arrayed as accused in the present FIR and no P.O. proceedings are pending against any of the accused. Hence, the report is presented in the regard for kind perusal of your good self for onward transmission to the Hon'ble High Court.

Submitted please. [Emphasis supplied]”

In view of the above report, I am of the opinion that the parties have compromised the matter and it would be a futile exercise to continue the trial qua the petitioners. That being so, as per the law laid down by the

Full Bench of this Court in Kulwinder Singh and others vs. State of Haryana and others – 2007 (3) RCR (Criminal) 1052, I deem it just and proper to allow the petition and resultantly, quash the FIR No.73 dated 12.06.2015, registered under Sections 323, 324, 341, 506, 148 and 149 IPC, at Police Station Mantiana, District Hoshiarpur, along with all consequential proceedings arising therefrom, qua the petitioners only.

Learned counsel for the petitioners has submitted that in all, there were five accused and the present petition has been filed only qua four and not the fifth one namely Rashpal Singh as he has been declared a Proclaimed Offender. However, if the afore-quoted report by the Judicial Magistrate Ist Class, Hoshiarpur is perused, the same is categorical that no P.O. proceedings are pending against any of the accused.

In view of the aforesaid contradiction, the comments of the concerned Officer be sought by the Registry. The same be filed within one week.

For compliance, put up on 20.03.2017.

(DEEPAK SIBAL)
JUDGE

March 03, 2017

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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>