

245.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35563-2017

Date of decision:30.11.2017.

PAL CHAND AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Jagjit Singh, Advocate,
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab,
for respondent No.1.

Mr. Narinder Singh Dadwal, 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 F.I.R. No.110 dated 22.08.2016 under Sections 323/324/148/149 IPC (Section 326 IPC added lateron), registered at Police Station Sadar Kapurthala, District Kapurthala (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise/affidavit dated 15.09.2017 (Annexure P-2).

This Court vide order dated 21.09.2017 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 Additional Chief Judicial Magistrate, Kapurthala and got their

statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 28.11.2017 to the effect that the compromise has been effected between the parties voluntarily and without any pressure.

Respondent No.2-complainant, namely, Hardev Singh has made his statement with regard to compromise before learned Magistrate on 27.10.2017. The same is reproduced as under:-

“I had got registered present FIR No.110 of 22.08.2016, Under Sections 323/324/148/149 and 326 IPC added later, PS Sadar Kapurthala against Pal Chand son of Das, Harjinder Singh @ Billa son of Jasvir Singh @ Ravi, Harbans Kaur @ Banso wife of Malkeet Singh and Malkeet Singh son of Karnail Singh all residents of Village Sidhwan Dona, Police Station Sadar Kapurthala. I have compromised the matter with the above said accused voluntarily, without any pressure or coercion and with the intervention of the respectable of the locality to keep harmony amongst ourself. I have no objection if the proceedings against the above said accused be quashed.”

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 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 F.I.R. No.110 dated 22.08.2016 under Sections 323/324/148/149 IPC (Section 326 IPC added lateron),

(Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise/affidavit dated 15.09.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

30.11.2017

sanjeev/mamta

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No