

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

CRM-M-36125-2017(O&M)

Date of decision:02.11.2017

Ashok Kumar @ Shinda and others

... Petitioners

Versus

State of Punjab & another

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.D. Rattewal, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

None 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.106 dated 21.05.2016 under Sections 427/448/506/511/148/149 IPC, registered at Police Station Phillaur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 26.09.2017 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 Sub Divisional Judicial Magistrate, Phillaur, District Jalandhar and got their statements recorded. On the basis of the

statements so recorded, learned Sub Divisional Judicial Magistrate, Phillaur, District Jalandhar has submitted report dated 13.10.2017 to the effect that the compromise arrived at between the parties is voluntary, without any pressure or coercion and is genuine one.

Though, today no one is present on behalf of respondent No.2-complainant, namely, Supinder Pal Singh but no prejudice would be caused to him as he has already made his statement with regard to compromise before learned SDJM, Phillaur on 06.10.2017. The same is reproduced as under:-

“I have compromised the matter with the accused Ashok Kumar S/o Ram Murti, Balbir Ram @ Beera S/o Bhajna Ram, Vinod Kumar S/o Ram Murti, Ajit Ram S/o Bhagu Ram all R/o Mohalla Ravidass Pura, P.S. Phillaur, District Jalandhar and Paramjit Ram S/o Swarna Ram, R/o Village Bharsinghpur, Tehsil Phillaur, District Jalandhar, in the above mentioned case in the presence of respectable persons of both the parties. I have entered into compromise with the accused persons with my free will, voluntarily without any inducement, threat, pressure or coercion. I have no grudge against the accused persons. I have no objection if the present FIR is quashed. I have brought my ID card and the copy of same is Mark-A.”

Learned State counsel has 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.106

dated 21.05.2016 under Sections 427/448/506/511/148/149 IPC, registered at Police Station Phillaur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

(HARI PAL VERMA)
JUDGE

02.11.2017

neeraj

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No