

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

CRM-M-36186 of 2017

Decided on: 05.12.2017

Kuldip Kumar @ Kuldeep Kumar @ Lucky & ors. ... Petitioners.

vs.

State of Punjab and another ... Respondents.

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

Present:- Mr. Ankit Kharbanda, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Dhawaljeet Dutta, 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 FIR No.0078 dated 05.04.2016 under Sections 323, 324, 307, 148 and 149 IPC registered at Police Station Sultanwind, Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 09.08.2017 (Annexure P-2).

This Court vide order dated 27.09.2017 had directed the parties to appear before the Illaqa Magistrate/trial Court to get their respective statements recorded with regard to compromise/settlement and the learned Magistrate was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, petitioners as well as respondent No.2-complainant Onkar Singh @ Onkar Singh Mahal have

appeared before learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded on 30.10.2017. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report to the effect that the compromise effected between the parties is genuine and without any pressure or undue influence.

Learned counsel for the petitioners states that though the offence under Section 307 IPC has been incorporated in the FIR, but the alleged injury with *datar* blow was on the left arm of the complainant and, therefore, in view of the ***Narinder Singh and others vs. State of Punjab and another 2014(2) RCR (Criminal) 482***, there is no impediment to quash the FIR on the basis of compromise.

Learned State counsel as well as learned counsel for respondent No.2 have not disputed the factum of compromise effected between the parties.

I have heard learned counsel for the parties.

The FIR in question has been recorded on the basis of statement of respondent No.2-complainant Onkar Singh @ Onkar Singh Mahal. His statement made before learned Magistrate on 30.10.2017 in support of the compromise, reads as under:

“ it is stated that FIR No. 78 dated 05.04.2016 under Section 323, 324, 307, 148, 149 of IPC in P.S.Sultanwind, Distt. Amritsar was got registered on my statement against Kuldip Kumar alias Kuldeep Kumar alias Lucky, Sabbi Muchhal alias Sahib Singh, Veer Singh, Parminder Singh and Sukhbir Singh. Now, I have entered into compromise with above named petitioners. The compromise is genuine and has been effected voluntarily, with free will and without any pressure, coercion, allurement or threat. There are total five

accused. None of them has been declared as proclaimed offender.

In view of the above, continuation of the proceedings before the trial Court in the instant FIR qua the petitioners shall be an abuse to the process of law as chances of their conviction are bleak.

Thus, 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*** as well as ***Narinder Singh' case (supra)***, this petition is allowed, and the FIR No.0078 dated 05.04.2016 under Sections 323, 324, 307, 148 and 149 IPC registered at Police Station Sultanwind, Police Commissionerate, Amritsar (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.08.2017(Annexure P-2).

05.12.2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No