

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

CRM-M-36220 of 2017

Decided on: 05.12.2017

Paramjit Singh and others

... Petitioners.

vs.

State of Punjab and others

... Respondents.

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

Present:- Ms. Simsi Dhir Malhotra, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

None for respondents No.2 and 3.

HARI PAL VERMA, J.(ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.57 dated 12.05.2017 under Sections 307, 326, 323, 148 and 149 IPC registered at Police Station Mahilpur, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 09.06.2017 (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 respondents No.2 and 3 have appeared before learned Addl. Sessions Judge, Hoshiarpur, and got their statements recorded on 30.10.2017. On the basis of the statements so recorded by the parties, learned Addl. Sessions Judge

has submitted the report dated 13.11.2017 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 in view of ***Narinder Singh and others vs. State of Punjab and another 2014(2) RCR (Criminal) 482***, there is no impediment in quashing the FIR on the basis of compromise as the alleged injury which attracted the offence under Section 307 IPC was not on the vital part of the body of injured.

Learned State counsel does not dispute the factum of compromise effected between the parties.

Heard counsel for the parties.

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

“stated that one FIR No. 57 dated 12.05.2017 u/s 323, 326, 307, 148, 149 of IPC, PS Mahilpur was registered on my complaint against Paramjit Singh aged about 22 years son of Daljit Singh r/o village Halluwal PS Chabbewal District Hoshiarpur, Sukhvir Singh @ Sukha aged about 20 years son of Manjit Singh r/o Langeri Hoshiarpur, Kulvir Singh aged about 19 years son of Jasvir Singh r/o Kharaudi Hoshiarpur, Salwinder Singh Bains @ Bhalwan aged about 21 years son of Puran Singh Bains r/o Chambal Khurd, Barian Kalan, Hoshiarpur, Randeep Singh @ Bekam aged about 37 years c/o Surinder Kaur P.O. Tuto Mazara District Hoshiarpur. That now with intervention of the respectables of the village, I entered into compromise with the accused party without any force, pressure and

fear and with my free will and decided to live peacefully in future and not to file any civil/criminal case against each other. I do not want to proceed the case against the accused party and I have no objection if the FIR is quashed on the basis of our compromise.

Apart from above, a similar statement has been made by respondent No.3-Lakhvir Singh before the learned Addl. Sessions Judge, Hoshiarpur on 30.10.2017, whereby he has shown no objection to the FIR being quashed. There is nothing on record to doubt about the genuineness of compromise effected between the parties.

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.

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.57 dated 12.05.2017 under Sections 307, 326, 323, 148 and 149 IPC registered at Police Station Mahilpur, District Hoshiarpur (Annexure P-1) and all consequential proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.06.2017 (Annexure P-2).

05.12.2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No