

269.

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

CRM-M-36334-2017

Date of decision:05.12.2017.

NISHAN SINGH

... Petitioner

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondent No.1.

Mr. Sandeep Sharma, 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.38 dated 25.01.2017 under Sections 323, 325 IPC, registered at Police Station Civil Lines, Amritsar City, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 14.09.2017 (Annexure P-3).

This Court vide order dated 27.09.2017 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 Civil Judge (Junior Division)-cum-Judicial Magistrate Ist Class, Amritsar and got their statements recorded. On the basis of the statements

so recorded, learned Magistrate has submitted report dated 07.11.2017 to the effect that the compromise is genuine and has been effected between the parties voluntarily, without any undue influence or coercion.

Respondent No.2-complainant, namely, Iqbal Singh has made his statement with regard to compromise before learned Magistrate on 30.10.2017. The same is reproduced as under:-

“Stated that at my instance one FIR no.38 dt. 25.1.2017 at PS Civil Line was registered u/s 323/325 of IPC against Nishan Singh present in the court today. However, now with the intervention of respectables the matter has been compromised in an amicable way and I have decided to bury our hatchets and ill feelings once and for all and live a life of peace and harmony in the future. Accordingly, I have no objection if the present FIR registered against the accused person is quashed and the accused person is discharged or acquitted accordingly. I have entered into compromise with the accused person out of my free will and without any sought of misrepresentation, threat, coercion or duress. The compromise is genuine, voluntary and without any coercion or undue influence. I have suffered my statement today in the court out of my free will and without any sought of threat to me or any of my family member in a sound disposing mind. I undertake to remain bound by my statement.”

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.38 dated 25.01.2017 under Sections 323, 325 IPC, registered at Police Station Civil Lines, Amritsar City, District Amritsar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioner on the basis of compromise dated 14.09.2017 (Annexure P-3).

(HARI PAL VERMA)
JUDGE

05.12.2017
sanjeev/smruti

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