

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-36682 of 2017

Date of Decision:20.12.2017

Hardev Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

Present: None for the petitioners.

Mr. M.S.Nagra, A.A.G., Punjab,
for respondent No.1.

Mr. Sandeep Godara, 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.54 dated 04.06.2017 under Sections 323, 324, 341, 148, 149 IPC (the offence punishable under Section 326 IPC was added later on), registered at Police Station Sadar Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-2).

This Court vide order dated 28.09.2017 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 Judicial Magistrate 1st Class, Batala and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 30.11.2017 to the effect that a compromise has been effected between the parties with their free consent and without any pressure, threat, coercion or undue influence from any quarter. The compromise is valid and a genuine one.

Respondent No.2-Complainant, namely, Narinder Singh, has made a statement with regard to compromise before learned Magistrate on 06.11.2017. The same is reproduced as under:-

“Stated that I got registered above-said FIR 54 dated 04.06.2017 under Section 323, 324, 341, 148, 149 IPC (326 IPC added later on) Police Station Sadar Batala against accused Hardev Singh son of Sulakhan Singh resident of village Dulla Nangal, Tehsil and District Gurdaspur, Gurjap Singh son of Sucha Singh, Sahil Preet Singh alias Simarjit Singh son of Dilbagh Singh, Rajbir Singh alias Raju son of Tilak Singh, Parmasatkar Singh son of Sucha Singh and Tilak Singh son of Shingar Singh all residents of village Harsian, Tehsil Batala, District Gurdaspur. Now with the intervention of respectables, compromise has been effected with the accused persons and they have filed quashing petition CRM-M No.36682 of 2017 before the Hon'ble Punjab & Haryana High Court at Chandigarh for quashing FIR 54 dated 04.06.2017 under Section 323, 324, 341, 148, 149 IPC (326 IPC added later on) Police Station Sadar Batala. The said compromise is legal, genuine and voluntarily effected with my free consent and without any kind of pressure, force, threat, coercion or undue influence from any quarter. Now I have no grudge against accused persons and I have no objection if the present FIR be quashed against them.

I have produced copy of my identity proof as Ex.C-1. Accused are present in the Court and I identify them. The present FIR was registered against above mentioned six accused persons and no accused has been declared as proclaimed offender/person in this case nor any proclamation proceedings are pending against any accused.”

Learned State counsel, on instructions from HC Dewa Singh, 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 FIR No.54 dated 04.06.2017 under Sections 323, 324, 341, 148, 149 IPC (the offence punishable under Section 326 IPC was added later on), registered at Police Station Sadar Batala, Police District Batala, District Gurdaspur (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-2).

December 20, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No