

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

CRM-M-38154 of 2016.
Decided on:-17.08.2017.

Harjinder Singh and others

.....Petitioners.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. G.S. Jagpal, Advocate for
Mr. Nitin Rampal, Advocate
for the petitioners.

Mr. A.S. Dhaliwal, DAG, Punjab.

Mr. K.B.S. Mann, Advocate
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.150 dated 09.11.2015 under Sections 324 and 323 read with Section 34 IPC as well as Section 326 IPC (added later on) registered at Police Station Sangat, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 15.10.2016 (Annexure P-2).

This Court vide order dated October 24, 2016 had directed the parties to appear before the trial Court to get their respective statements recorded with regard to compromise and the Court was directed to send its report qua genuineness of the compromise.

Pursuant to the aforesaid order, petitioners-accused, namely, Harjinder Singh, Amarjeet Singh and Tavinder Singh as well as respondent No.2-complainant Sukhwinder Singh and respondent No.3-injured Gurshmender Singh have appeared before learned Judicial Magistrate 1st Class, Bathinda and got their statements recorded on 09.11.2016. On the basis of the statements so recorded by the parties, learned Magistrate has submitted the report dated 21.11.2016 to the effect that the parties have entered into compromise, which is genuine. They do not appear to be influenced by any pressure or coercion.

The factum of compromise between the petitioners and respondents No.2 and 3 has not been disputed by learned State counsel.

Learned counsel for respondents No.2 and 3 also accepts the factum of compromise and states that the respondents No.2 and 3 have compromised the matter with the petitioners-accused. He further states that the respondents No.2 and 3 have no objection in case the FIR in question is quashed.

The statement of respondent No.2-complainant Sukhwinder Singh made before learned Magistrate on 09.11.2016, who is the author of the FIR in question, reads as under:

“Stated that due to the kind intervention of the respectable, relatives and Panchayat members we compromised with accused namely, Harjinder Singh, Tawinder Singh and Amarjit Singh of our village present in court, with sweet will without any pressure and coercion so that we both parties may live peacefully in our village. I have no objection if the case FIR No.150 dated 09.11.2015 under Section 326, 323, 324/34 IPC PS Sangat

against the above said accused is quashed or the accused are acquitted from the charge framed against them. The copy of compromise effected between the parties has already been submitted before the Hon'ble Punjab & Haryana High Court CRM-M-38154-2016."

In view of the above, continuation of the proceedings before the trial Court in the instant FIR 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***, the FIR No.150 dated 09.11.2015 under Sections 324 and 323 read with Section 34 IPC as well as Section 326 IPC (added later on) registered at Police Station Sangat, District Bathinda (Annexure P-1) and all consequential proceedings arising therefrom are quashed on the basis of compromise dated 15.10.2016 (Annexure P-2) effected between the petitioners and respondents No.2 and 3.

Accordingly, the present petition stands allowed.

August 17, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No