

264.

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

CRM-M-37423-2017

Date of decision:15.12.2017.

GURBACHAN SINGH AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Ramandeep Kaur, Advocate, for
Mr. Pardeep Bajaj, Advocate,
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab,
for respondent No.1.

None for respondents No.2 to 6.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.107 dated 24.06.2014 under Sections 324, 323, 148, 149, 354 of IPC (at the time of filing challan, the offence under Section 354 IPC deleted and Section 341 IPC added), registered at Police Station Machhiwara, Police District Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 19.09.2017 (Annexure P-2).

This Court vide order dated 06.10.2017 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, however, the parties could not appear

before the trial Court. Again vide order dated 29.11.2017, another

opportunity was granted to the parties to get their statements recorded in terms of order dated 06.10.2017

Pursuant to the aforesaid orders, parties have appeared before learned Judicial Magistrate Ist Class, Samrala and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 07.12.2017 to the effect that the compromise has been effected between the parties without any pressure, undue influence, coercion, inducement, threat or promise from any side.

Though today none has put in appearance on behalf of respondent No.6-complainant, namely, Jaswinder Kaur, but no prejudice would be caused to her as she has already made her statement with regard to compromise before learned Magistrate on 30.11.2017. The same is reproduced as under:-

“Stated that the case bearing FIR No.107 dated 24.06.2014 under section 324/323/148/149/354 IPC (At the time of filing the challan, the offence u/s 354 IPC was deleted and offence u/s 341 IPC was added), PS Machhiwara Sahib, was lodged by me against accused Gurbachan Singh s/o Hushnak Singh @ Khush Nath, Jagmeet Singh s/o Gurbachan Singh, Manpreet Singh s/o Gurbachan Singh, Satnam Singh s/o Paramjit Singh, Harbans Singh s/o Hushnak Singh and Mahinder Singh @ Harminder Singh (Referred to as petitioners in the memo of parties in the petition bearing CRM-M-No.37423 of 2017 before the Hon'ble High Court). Now with the intervention of the respectables, I have voluntarily entered into compromise with above said accused persons out of my free will and without any pressure, undue influence, coercion, inducement, threat or promise from any side. I have no objection if the above said FIR may be quashed by Hon'ble Punjab and Haryana High Court against accused Gurbachan Singh s/o Hushnak Singh @ Khush Nath, Jagmeet Singh s/o Gurbachan Singh, Manpreet Singh s/o Gurbachan Singh, Satnam Singh s/o Paramjit Singh, Harbans Singh s/o Hushnak Singh and Mahinder Singh @ Harminder Singh. The photocopy of my Aadhar Card is mark G.”

Apart from above, similar statements have been made by respondents No.2 to 5 whereby they have shown no objection to the FIR

being quashed.

Learned State counsel has 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.107 dated 24.06.2014 under Sections 324, 323, 148, 149, 354 of IPC (at the time of filing challan, the offence under Section 354 IPC deleted and Section 341 IPC added), registered at Police Station Machhiwara, Police District Khanna, District Ludhiana (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 19.09.2017 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

15.12.2017
sanjeev

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