

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

261

CRM-M-37965 of 2017

Date of Decision:19.12.2017

Balkar Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

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

**Present: Mr. Vishal Handa, Advocate,
for the petitioners.**

**Mr.Bhupender Beniwal, A.A.G., Punjab,
for respondent No.1.**

**Mr. Sanjeev Soni, 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 cross-case under Sections 326, 324, 452, 148, 149 IPC (Annexure P-2) in FIR No.77 dated 29.05.2015 under Sections 324, 323, 148, 149 IPC, registered at Police Station Chatiwind, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise (Annexure P-3).

This Court vide order dated 10.10.2017 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.

Pursuant to the aforesaid order, parties have appeared before

learned Judicial Magistrate 1st Class, Amritsar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 21.11.2017 to the effect that the compromise has been effected between the parties voluntarily, without any coercion or undue influence and the same is a genuine one.

Respondent No.2-Complainant, namely, Sucharo, has made a statement with regard to compromise before learned Magistrate on 17.11.2017. The same is reproduced as under:-

“Stated that my statement one criminal case in the shape of FIR No.77 dt. 29.5.15 was registered at PS Chatiwind under Sections 324, 323, 148, 149 of IPC against Balkar Singh, Manga Singh, Parveen @ Gurmit Kaur, Harjit Singh, Kuldeep Singh, Darsho, Shinda, Hardial Singh, Gurdial Singh, Jasbir Kaur all the accused persons present in the court today. However, now with the intervention of respectables the matter has been compromised in an amicable way and we 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 all the accused persons is quashed and all the accused persons are discharged or acquitted accordingly. I have entered into compromise with the accused persons out of my free will and without any sought of misrepresentation, threat, coercion or duress. 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 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 case.

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 cross-case under Sections 326, 324, 452, 148, 149 IPC (Annexure P-2) in FIR No.77 dated 29.05.2015 under Sections 324, 323, 148, 149 IPC, registered at Police Station Chatiwind, District Amritsar Rural (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise (Annexure P-3).

December 19, 2017
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No