

245/A.

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

CRM-M-426-2017

Date of decision:23.08.2017.

MOHINDER SINGH AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND ANR

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. H.S. Kaler, Advocate,
for Mr. Bhriagu Dutt Sharma, Advocate,
for the petitioners.

Mr. A.S.Dhaliwal, DAG, Punjab,
for respondent No.1.

Mr. Pawan 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.77 dated 19.09.2011 under Sections 323, 324, 452, 148, 149 IPC, registered at Police Station Lambra, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 09.12.2016 (Annexure P-2).

This Court vide order dated 12.01.2017 had directed the parties to appear before the 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 Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 23.02.2017 to the effect that the compromise effected between the parties is genuine one and is voluntarily, without any pressure, out of free will, duress or any undue influence.

Respondent No.2-complainant, namely, Mohinder Singh has made his statement with regard to compromise before learned Magistrate on 25.01.2017. The same is reproduced as under:-

“Stated that I have entered into compromise with Mohinder Singh S/o Jassa, Gurdeep S/o Mangi, Sodhi S/o Sibbu, Santokh Lal @ Tokhi S/o Bachna, Sabu @ Tarsem Lal S/o Darshan, accused persons in above noted case. After the compromise all the grudges have been settled in between me and the abovesaid persons and there is no undue pressure upon me for the compromise with the above said persons. In view of compromise present FIR No.77 dated 19.09.2011 of PS Lambra, U/s 323/324/452/148/149 IPC, which was registered on my statement may kindly be quashed. I am giving this statement voluntarily without any undue influence or coercion and out of free will after understanding its effects. I shall have no objection if FIR is quashed and accused are acquitted. Copy of compromise dated 12.12.16 is Ex.PA. I have also brought my ID proof i.e. Voter Card (Original seen and returned) which is Ex.P1.”

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.77 dated 19.09.2011 under Sections 323, 324, 452, 148, 149 IPC, registered at Police Station Lambra, District Jalandhar (Annexure P-1) and all subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise dated 09.12.2016 (Annexure P-2).

(HARI PAL VERMA)
JUDGE

23.08.2017
sanjeev

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