

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

**Criminal Misc. No.37330 of 2017 in/&
Criminal Misc. No.M-43366 of 2015 (O&M)
Date of Decision: 20.11.2017**

Harjinder Pal Singh @ Jinder & others

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

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

Present:- Ms. Rahish Pahwa, Advocate for
for the applicant-petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Harpinder Singh, Advocate for
Mr. Manuj Nagrath, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Criminal Misc. No.37330 of 2017

Prayer in this application filed under Section 482 CrPC is for adding Section 382 IPC in the head note and prayer clause of the main petition.

Learned counsel for the applicant submits that Section 382 IPC was added at a later stage and therefore, the same could not be incorporated in the head note and the prayer of the main petition, inadvertently.

Learned State counsel has no objection in case the said Section is incorporated in the head note as well as prayer clause of the main petition.

Accordingly, the present application is allowed. Section 382 IPC is ordered to be added in the head note as well as prayer clause of the main petition.

Criminal Misc. No.M-43366 of 2015

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.54 dated 30.05.2011 (Annexure P-1) under Sections 452, 323, 506, 148, 149 IPC and Section 382 IPC (added later on) registered at Police Station Division No.2, Ludhiana on the basis of compromise.

This Court vide order 28.08.2017 had directed the parties to appear before the Illaqa Magistrate/Trial Court to get their statements recorded with regard to compromise and learned Illaqa Magistrate/Trial Court was directed to submit its report regarding the genuineness of the compromise so effected on the basis of statements so recorded.

Pursuant to the order dated 28.08.2017 of this Court, the parties have appeared before learned Judicial Magistrate Ist Class, Ludhiana and got their statements recorded. Learned Magistrate has forwarded her report dated 30.10.2017 to the effect that the aforesaid statements have been recorded by the parties voluntarily and their compromise has been arrived at without any pressure or undue influence from either side. Thus, the compromise is genuine and valid. The statement of Ravinder Pal Singh, complainant-respondent no.2 has also been attached

with the report, wherein he has stated that the compromise entered into between him and the petitioners is genuine and he has no objection to the FIR being quashed. The statement of complainant-respondent no.2 Ravinder Pal Singh reads as under:-

“Stated that present case bearing FIR no.54 dated 30.05.2011 u/s 452/382/323/511/506/34 IPC PS Division No.2 has been registered against three persons namely Harjinderpal Singh, Harpal Singh and Jagmeet Singh @ Jagjit Singh @ Jaggi on my statement. Now with the intervention of respectables, the matter has been compromised between me and accused and regarding the same a petition under Section 482 of Cr.P.C. for quashing the FIR was filed by accused persons in Hon’ble Punjab and Haryana High Court and the Hon’ble High Court vide its order dated 28.08.2017 in CRM-M No.43366 of 2015 had directed the parties to get their statements recorded. Since I have compromised the matter with the accused persons and the same is genuine. So I do not want to pursue with the present case. Present compromise is with my free consent without any pressure, threat and coercion. I have no objection if the present case be quashed. None of the accused is declared proclaimed offender in this case. Today I have brought my original aadhar card and the self attested copy of the same.”

Learned State counsel as well as counsel for respondent no.2 have not disputed the factum of the compromise between the parties.

There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another**, 2007 (3) RCR (Criminal) 1052 (P&H), as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others**, (2012)10 SCC 303, this petition is allowed and FIR No.54 dated 30.05.2011 (Annexure P-1) under Sections 452, 323, 506, 148, 149 IPC and Section 382 IPC (added later on) registered at Police Station Division No.2, Ludhiana is quashed in view of compromise so arrived between the parties.

November 20, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No